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INTRODUCTION

The initial draft of amendments for the 2006 Annual UDC Update Program is being presented for your information and review. The amendments are subject to change due to additional technical and legal review prior to their review by the Planning Commission TAC.

There are 110 draft amendments each of which have an identification number (1 through 110) followed by a series of plus signs and the name of the person most familiar with the particular amendment. It is noted that the final three amendments (108, 109 & 110) have not been completed yet and will be provided as soon as they become available.

Consideration and review of the amendments by the TAC is tentatively scheduled for the first week of July with two additional meetings over the following two weeks. Dates and times of the TAC review schedule will be finalized the week of June 19th and placed on the web for your information.

Should you have questions concerning the amendments, process or scheduling please feel free to call Bill Telford at 207-78798.

1 +++++
(City Attorney)

35-103 Authority

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The following sections of Vernon's Annotated Codes of the State of Texas are hereby adopted:

- Local Government code, Chapters 41, 42, 43, 54, 211, 212, 213, 214, 215, 216, 217, 241, 242, 243, and 431.
- [Texas Government code, Chapters 311, Code Construction Act, and Chapter 312, Construction of Laws](#)
- Property code, Section 12.002.
- Water code.
- Flood Control and Insurance Act, Sections 16.311 through 16.317.
- Vernon's Annotated Civil Statutes and Article 1175.

Provisions of this chapter are adopted in the exercise of the power granted municipalities by these statutes and pursuant to the provisions of Article I, Section 3, Paragraphs 9 and 13 of the Charter of the City of San Antonio.

2 ++++++
(City Attorney)

35-104 Applicability

* * * *

(f) Rules of Construction

In the event that conflicts of standards and requirements of Chapter 35 occur it shall be noted that the following order of precedence takes place.

1. Written text, excluding text in italics, takes precedence over tables, maps and graphics figures.
2. Tables take precedence over maps and graphic figures.

3 ++++++
(City Attorney)

35-207 Traditional Neighborhood Development

(b) Processing Procedures

(1) Generally.

There are three procedures for approval of a TND. First, the TND may be approved administratively with a combined subdivision plat and master site plan in the ETJ or one of the zoning districts set forth in Subsection (a) hereto. Second, where the existing zoning ~~district classification~~ does not permit a TND, the applicant may request a rezoning to an MXD zoning ~~district~~. In all other respects, the sequence for processing a TND shall be as set forth in Article 4 of this chapter. Variances shall be processed as set forth in Subsections (2) and

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(3), below, except for applications within the Edwards Recharge Zone District (ERZD) or utility conversion districts.

4 ++++++
(City Attorney)

35-303 Establishment of Districts

(a) Base Zoning Districts

In accordance with the requirement of VTCA Local Government Code § 211.005 that zoning regulation be by districts, the city, as shown on the Official Zoning Map accompanying this chapter and incorporated herein by this reference, is hereby divided into the following base zoning districts, the overlay and special zoning districts established in subsections (b) and (c) hereto, and the conditional zoning districts established pursuant to § 35-321 of this Article, which shall be governed by all of the uniform use and area requirements of this ordinance, the respective symbol for each type of district being set forth opposite its title:

"RP"	Resource Protection
"RE"	Residential Estate
"R-20"	Residential Single Family
"R-6"	Residential Single Family
"RM-6"	Residential Mixed
"R-5"	Residential Single Family
"RM-5"	Residential Mixed
"R-4"	Residential Single Family
"RM-4"	Residential Mixed
"R-3"	Residential Single Family
"MF-25"	Multi-Family
"MF-33"	Multi-Family
"MF-40"	Multi-Family
"MF-50"	Multi-Family
"O-1"	Office
"O-2"	Office
"NC"	Neighborhood Commercial
"C-1"	Light Commercial
"C-2"	Commercial
"C-2P"	Commercial Pedestrian
"C-2NA"	Commercial, Nonalcoholic Sales
"C-3"	General Commercial
"C-3R"	Restrictive Commercial
"C-3NA"	General Commercial, Nonalcoholic Sales
"D"	Downtown
"L"	Light Industrial
"I-1"	General Industrial
"I-2"	Heavy Industrial
"UD"	Urban Development
"RD"	Rural Development
"FR"	Farm and Ranch
"MI-1"	Mixed Light Industrial
"MI-2"	Mixed Heavy Industrial

Residential Base Zoning Districts (listed in order of intensity)

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<u>"RP"</u>	<u>Resource Protection</u>
<u>"RE"</u>	<u>Residential Estate</u>
<u>"R-20"</u>	<u>Residential Single-Family</u>
<u>"R-6"</u>	<u>Residential Single-Family</u>
<u>"R-5"</u>	<u>Residential Single-Family</u>
<u>"R-4"</u>	<u>Residential Single-Family</u>
<u>"R-3"</u>	<u>Residential Single-Family</u>
<u>"RM-6"</u>	<u>Residential Mixed</u>
<u>"RM-5"</u>	<u>Residential Mixed</u>
<u>"RM-4"</u>	<u>Residential Mixed</u>
<u>"MF-25"</u>	<u>Multi-Family</u>
<u>"MF-33"</u>	<u>Multi-Family</u>
<u>"MF-40"</u>	<u>Multi-Family</u>
<u>"MF-50"</u>	<u>Multi-Family</u>

Non-Residential Base Zoning Districts (listed in order of intensity)

<u>"NC"</u>	<u>Neighborhood Commercial</u>
<u>"C-1"</u>	<u>Light Commercial</u>
<u>"C-2NA"</u>	<u>Commercial, Nonalcoholic Sales</u>
<u>"C-2P"</u>	<u>Commercial Pedestrian</u>
<u>"C-2"</u>	<u>Commercial</u>
<u>"O-1"</u>	<u>Office</u>
<u>"O-2"</u>	<u>Office</u>
<u>"C-3NA"</u>	<u>General Commercial, Nonalcoholic Sales</u>
<u>"C-3R"</u>	<u>Restrictive Commercial</u>
<u>"C-3"</u>	<u>General Commercial</u>
<u>"D"</u>	<u>Downtown</u>
<u>"L"</u>	<u>Light Industrial</u>
<u>"I-1"</u>	<u>General Industrial</u>
<u>"I-2"</u>	<u>Heavy Industrial</u>

Flex Base Districts (Listed in order of intensity)

<u>"FR"</u>	<u>Farm and Ranch</u>
<u>"RD"</u>	<u>Rural Development</u>
<u>"UD"</u>	<u>Urban Development</u>
<u>"MI-1"</u>	<u>Mixed Light Industrial</u>
<u>"MI-2"</u>	<u>Mixed Heavy Industrial</u>

(b) Overlay Districts

The city hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this chapter. Within these overlay districts, additional requirements are imposed on certain properties within one or more underlying general or conditional zoning districts. The overlay districts established by this chapter, including the symbol for each type of district is as follows: ~~"AHOD" airport hazard overlay district~~

Overlay Districts (Listed in Alphabetical order)

<u>"AHOD"</u>	<u>Airport Hazard Overlay District</u>
<u>"EP"</u>	<u>Facility Parking/Traffic Control District</u>
<u>"ERZD"</u>	<u>Edwards Recharge</u>
<u>"H"</u>	<u>Historic District</u>
<u>"HE"</u>	<u>Historic Exceptional</u>
<u>"HS"</u>	<u>Historic Significant</u>

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<u>"MAOZ"</u>	<u>Military Airport Overlay Zone</u>
<u>"MAOZ-1"</u>	Military Airport Overlay 1
<u>"MAOZ-2"</u>	Military Airport Overlay 2
<u>"NCD"</u>	<u>Neighborhood Conservation Districts</u>
<u>"IH"</u>	<u>National Highway System High Priority Corridor District</u>
<u>"RIO"</u>	River Improvement Overlay Districts
<u>"UCD"</u>	<u>Utility Conversion Districts</u>
<u>Urban Corridor Districts</u>	
<u>"GC"</u>	<u>Gateway Corridor</u>
<u>"MC"</u>	<u>Metropolitan Corridor</u>
<u>"PC"</u>	<u>Preservation Corridor</u>
<u>"VP"</u>	<u>Viewshed Protection Districts</u>

(c) Special Districts

Special districts are created by Division 5 of this Article to address unique situations. However, unlike overlay districts, special districts replace the standards and requirements of the base districts.

Special Districts (Listed in alphabetical order)

<u>"BP"</u>	Business Park District
<u>"DR"</u>	Development Reserve
<u>"ED"</u>	Entertainment District
<u>"IDZ"</u>	Infill Development Zone
<u>"MH"</u>	Manufactured Housing District
<u>"MHC"</u>	<u>Manufactured Housing Conventional District</u>
<u>"MHP"</u>	<u>Manufactured Housing Park</u>
<u>"MPCD"</u>	Master Planned Community Districts
<u>"MR"</u>	Military Reservation District
<u>"MXD"</u>	Mixed Use District
<u>"NP-8"</u>	Neighborhood Preservation District
<u>"NP-10"</u>	Neighborhood Preservation District
<u>"NP-15"</u>	Neighborhood Preservation District
<u>"PUD"</u>	Planned Unit Development <u>District</u>
<u>"QD"</u>	Quarry District
<u>"SGD"</u>	Sand & Gravel District
<u>"TOD"</u>	Transit Overlay District

5 ++++++
(City Attorney)

35-303 Establishment of Districts

* * * *

(f) Conversion Matrix

Districts established prior to the date of adoption of this ordinance are set forth in Appendix "D" to this chapter. The city hereby finds and determines that the existence of two separate sets of zoning districts, classifications, one dating from 1938 and the other dating from 1965, causes confusion and difficulties in the administration of the zoning regulations and periodic updates to the city's comprehensive planning policies. In order to ease the administration of this ordinance, the city hereby adopts the conversion matrix

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established in Appendix "D" to this ordinance by reference in order to determine the appropriate zoning classification each property within the zoning jurisdiction of the city.

6 +++++
(Edit)

**Table 310-1
Lot and Building Dimensions Table**

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)
Zoning District	LOT DIMENSIONS								BLDG ON LOT				BUILDING		
	Lot Size (min)	Lot Size (max)	Density (max) (units/acre)	Street Frontage (min)	Width (min)	Width (max)			Front Setback (min)***	Front Setback (max)	Side Setback (min)	Rear Setback (min)	Height (max)	Size - Individual Building Size(max)	Size - Aggregate Building Size Building Size (max)
RP	10 acres	—	0.1	—	—	—			15	—	5	—	35 / 2-½	—	—
RE	43,560	—	1	100	120	—			15	—	5	30	35 / 2-½	—	—
R-20	20,000	—	2	65	90	—			10	—	5	30	35 / 2-½	—	—
R-6 ⁽¹⁾	6,000	—	7	30	50	150			10	—	5	20	35 / 2-½	—	—
R-5 ⁽¹⁾	5,000	—	9	30	45	150			10	—	5	20	35 / 2-½	—	—
R-4 ⁽¹⁾	4,000	—	11	20	35	150			10	—	5	20	35 / 2-½	—	—
R-3	3,000 ⁷	—	—	15	20	—			10	35	5	10	35/3	70% of lot area	—
RM-6 ⁽¹⁾	6,000	—	7	15	15	150			10	—	5	20	35 / 2-½	—	—
RM-5 ⁽¹⁾	5,000	—	9	15	15	100			10	—	5	10	35 / 2-½	—	—
RM-4 ⁽¹⁾	4,000	—	11	15	15	80			10	—	5	10	35 / 2-½	—	—
MF-25 ⁽¹⁾	—	—	25	50	50	—			—	20 ^{3,4,6}	5	10	35	—	—
MF-33 ⁽¹⁾	—	—	33	50	50	—			—	20 ^{3,4,6}	5	10	45	—	—
MF-40 ⁽¹⁾	—	—	40	50	50	—			—	20 ^{3,4,6}	5	10	60	—	—
MF-50 ⁽¹⁾	—	—	50	50	50	—			—	20 ^{3,4,6}	5	10	—	—	—
O-1	—	—	—	50	50	—			—	35	20 ²	30 ²	25	10,000	90,000
O-2	—	—	—	50	—	—			25	80	20 ²	30 ²	—	—	—
NC	—	—	—	20	—	—			—	15	10 ²	30 ²	25	3,000	—
C-1	—	—	—	50	50	—			—	20	10 ²	30 ²	25	5,000	15,000
C-2	—	—	—	20	—	—			—	—	10 ²	30 ²	25	—	—
C-2P	—	—	—	20	—	—			—	35	10 ²	30 ²	25	—	—
C-3	—	—	—	20	—	—			—	—	30 ²	30 ²	35	—	—
D	—	—	—	—	—	—			—	20	—	—	—	—	—
L	—	—	—	80	—	—			25	—	30 ²	30 ²	35	—	—
I-1	—	—	—	80	80	—			30	—	30 ²	30 ²	60	—	—

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I-2	—	—	—	100	100	—	—	—	30	—	50 ²	50 ²	60	—	—
URBAN DEV	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
UD-Single Family	—	10,000	—	15	15	150	—	—	15	20	0	10	35 / 2-½		—
UD-MultiFamily-15	—	—	15	50	50	—	—	—	15	20	5	10	35	—	15units
UD-MultiFamily-33	—	—	33	50	50	—	—	—	15	20	5	10	—	—	150 units
UD-Commercial	—	—	—	—	—	—	—	—	0	—	—	—	—	—	—
bldg > 90,000**	—	250,000	—	—	—	500	—	—	0	15 ⁵	30 ²	30 ²	—	—	—
bldg < 90,000**	—	—	—	20	—	—	—	—	0	15 ⁵	10 ²	30 ²	—	—	< 90,000
bldg < 6,000**	—	—	—	20	—	—	—	—	0	15 ⁵	10 ²	30 ²	25	—	< 6,000
RURAL DEV	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
RD-Single Family	43,560	—	1	100	120	—	—	—	15	—	5	30	35 / 2-½		—
RD-Commercial	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
bldg > 90,000 sf**	—	250,000	—	—	—	500	—	—	0	35	30 ²	30 ²	—	—	—
bldg < 90,000 sf**	—	—	—	20	—	—	—	—	0	35	10 ²	30 ²	25	—	< 90,000
bldg < 6,000 sf**	—	—	—	20	—	—	—	—	0	35	10 ²	30 ²	25	—	< 6,000
FARM & RANCH	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
FR-Single Family	25 acres*	0.04	—	—	—	—	—	—	15	—	5	—	35 / 2-½		—
FR-AgCommercial	25 acres*	—	—	—	—	—	—	—	15	—	5	—	35 / 2-½		—
MIXED	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
INDUSTRIAL	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
MI-1	—	—	—	80	80	—	—	—	***	—	30 ²	50 ²	60	—	—
MI-1 < 3,000 sf	—	—	—	50	—	—	—	—	***	—	10 ²	30 ²	—	—	3,000
MI-1 Village Center	2 acres	—	—	300	—	—	—	—	***	—	10 ²	30 ²	—	—	—
MI-2	—	—	—	100	100	—	—	—	***	—	50 ²	50 ²	150	—	—
MI-2 < 3,000 sf	—	—	—	50	—	—	—	—	***	—	10 ²	30 ²	—	—	3,000
MI-2 Village Center	2 acres	—	—	300	—	—	—	—	***	—	10 ²	30 ²	—	—	—

* Exception allowed for pre-existing lots of record

** See regulations for location standards

*** See Table 310.15-3 for minimum setback standards on specific street classifications

**** Subdivision Recreation Facilities provided for the primary use of the subdivision's residents and located on property with a single-family zoning category shall be exempt from the front yard setbacks of Table 310-1.

Rules for Interpretation of Table 310-1:

Generally. The requirements for the parameters set forth in columns (B) through (P), above, relate to the zoning district specified in the row under column (A), above. A dash (—) indicates that the requirement does not apply within the particular zoning district. Except for column (B), (C), (D), (O), & (P)

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or otherwise notated the dimensions specified in columns (B) through (P) are expressed in linear feet. The dimensions specified in columns (B), (C), (D), (O), & (P) are expressed in square feet or acres unless otherwise provided. Rules of interpretation and additional standards for setback and height requirements are set forth in the Lot Layout, Height and Density/Intensity Standards (§ 35-515 to 35-517 of this Code).

Column (B) & (C): Minimum lot size column (B) and Maximum lot size column (C) applies only to Conventional Option, single-family detached developments (see § 35-201 of this chapter). The minimum lot size figures are expressed in square feet, unless otherwise indicated. Additional rules of interpretation are set forth in subsection (d) of this Section for minimum lot area.

Column (D): The maximum density requirements (column (D)) are expressed in dwelling units per gross acre. Additional rules of interpretation are set forth in §§ 35-515 of this chapter.

Column (E): Frontage is defined as the distance where a property line is common with a street right-of-way line. For irregular shaped lots, see § 35-515(c)(4).

Column (F): Lot width is defined as the width of the lot at the front setback line. For irregular shaped lots, lot width shall be measured at the front building line rather than the front setback line.

Column (G): Maximum lot widths apply only to detached single-family residential development.

Column (H) & (I) The front setback shall be measured from the front lot line. The Principal Building or Principal Structure shall not be located closer to the front lot line than the distance established in column (H). The front façade of the Principal Building or Principal Structure shall not be located further from the front lot line than the distance established in column (I). For Townhouse and Attached Single-Family, the minimum front setback shall be twenty (20) feet unless all off-street parking is located in the rear of the Principal Building and the lot abuts an alley or driveway with a minimum width of 24 feet. Additional setbacks are required for height increases as set forth in § 35-517(d).

Column (J): The side setback requirements in the RM-6, RM-5, RM-4 and R-3 districts may be reduced in accordance with Section 35-373 of this Article . Additional setbacks are required for height increases as set forth in § 35-517(d).

Column (K): Rear setback requirements shall not apply to any use in the "NC", O-1, O-2, "C-1", C-2, or C-3 zoning districts which abuts an alley or another structure within any of these districts. Notwithstanding the requirements of Table 310-1, an "MF-25", "MF-33", "MF-40" or "MF-50" zoning district adjoining a platted subdivision zoned "RE" or "R-20" as of the effective date of this chapter shall have a minimum rear setback of forty (40) feet, and parking areas shall be located at least five (5) feet from any fence along the rear property line.

Column (L): Height

The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story

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in the case of a flat roof; to the deckline of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof. All dimensions are in feet provided, however, that for zoning districts "RP" through "RM-4," the first number refers to feet and the second number refers to stories. A "story" is that part of a building between the surface of a floor and the ceiling immediately above. Additional height may be provided with increases in the minimum front and side setbacks shall increase as provided in § 35-517(d). Notwithstanding the requirements of Table 310-1, the maximum height (prior to applying any increase provided in § 35-517(d)) for an "O-2," "MF-25" or "MF-33" zoning district adjoining a platted subdivision zoned "RE" or "R-20" as of the effective date of this chapter shall be thirty-five (35) feet or 2-½ stories.

Columns (M & N): Dimensions are in square footage. See §§ 35-310.17(a)(2) and 35-310.18(a)(2) for specific rules of interpretation. Additional square footage may be available if a specific use permit is approved, in accordance with these provisions.

Column (N): The aggregate square footage refers only to non-residential square footage. Where residential uses are permitted, (1) the square footage of non-residential uses within the contiguous boundaries of the district may not exceed the aggregate square footage, and (2) the aggregate square footage may be exceeded where the square footage exceeding the maximum aggregate square footage is devoted to residential uses.

Note (1) - Column (A): See §§ 35-372, 35-373, 35-515, & 35-516 of this Code for standards applicable to uses other than detached single-family dwellings.

Note (2) - Columns (J) & (K): Applies only to the setback area measured from a lot line which abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district or the two districts are separated by a public right-of-way.

Table 310-1 continued

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The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district.

Note (3) – Public & parochial school facilities and religious institutions whose primary activity is worship shall be exempt from the mandatory maximum front setback provision.

Note (4) - Single-family lot development within a “MF” multi-family zoning district shall meet the minimum lot requirements for a “R-4” zoning district.

Note (5) - Maximum front setback for UD commercial uses shall not apply to properties with primary frontage on expressways and parkways.

Note (6) – For a lot with one hundred (100) feet or more of frontage along a public or private street the maximum front setback of 20 feet in “MF-25”, “MF-33”, “MF-40”, & “MF-50” may be extended to 90 feet provided that no parking or drives other than egress/ingress drives shall be located within 20 feet of the front property line. For a lot with less than fifty (50) feet of frontage on a public street the front setback shall be at least 20 feet and shall be measured from the point at which the lot first becomes wider than fifty (50) feet in width.

Note (7) – May vary in accordance with 35-410.05a(b)(3).

7 ++++++
(Zoning Commission)

35-310.06 “RM-6”, “RM-5”, & “RM-4” Mixed Residential

(b) Lot and Building Specifications

In all “RM-4”, “RM-5” and “RM-6” districts fifteen percent (15 %) of the lots may be developed as “R-3” lots so long as they meet or exceed the minimum lot criteria for “R-3” lots contained in 35-310.05a of this code. Lots provided under this criteria shall only be used for the development and construction of single-family attached dwellings, single-family detached dwellings, townhouses, and zero-lot line houses (cottages and garden homes).

Development of ten or more “RM-6”, “RM-5”, & “RM-4” Mixed Residential lots in any one project shall have no more than eighty percent (80%) of the lot consisting of one type of housing as outline in (2) below. The remaining twenty percent (20%) of the lots may be developed in any combination of one or more of the housing types not used in the 80% limit defined above.

Requirement for site plan:

- i. “RM-6”, “RM-5”, & “RM-4” Mixed Residential zoned property must submit with the plat application a housing site plan (HSP) which conforms to the provisions of (B) above which will be utilized as the basis

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for issuing building permits. The housing site plan may be submitted in one or two formats. The first is by notation of the housing type for each lot in a table or second by a site plan to the same scale as the plat designating housing type for each lot.

- ii. Existing platted property zoned “RM-6”, “RM-5”, & “RM-4” Mixed Residential shall submit a housing site plan (HSP) if the number of lots in the project exceed ten units.

* * * *

8 ++++++
(Edit)

35-310.09 “O-1” and “O-2” Office Districts

(b) “O-1” Office Districts

* * * *

(2) General Provisions.

- A. **Scale.** Buildings in an “O-1” district shall be restricted to a maximum size of 10,000 square feet for individual buildings.

* * * *

9 ++++++
(Edit)

35-310.10 “C-1”, “C-2”, “C-2P,” and “C-3” Commercial Districts

(a) Generally

(1) Purpose.

These districts permit general commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and limited retail sales with some outdoor display of goods. These districts promote a broad range of commercial operations and services necessary for large regions of the city, providing community balance.

The “C-1”, “C-2”, “C-2P,” and “C-3 districts implement the following policies of the Master Plan:

* * * *

Table 310.10-1

(A) District	(B) Maximum Building Size	(C) Maximum Building Size (sf)	(E) Design Standards
-----------------	---------------------------------	--------------------------------------	----------------------------

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	(sf) (Individual)	(Aggregate)	
C-1	5,000	15,000	RP, F
C-2	N/A	N/A	N
<u>C-2P</u>	<u>N/A</u>	<u>N/A</u>	<u>RP, F</u>
C-3	N/A	N/A	N

* * * *

10 ++++++
(Edit, Nina Nixon-Mendez)

35-310.15 "UD" Urban Development District

(b) "UD" Uses & Conditions

* * * *

(1) Single Family Project Over 5 Acres Residential Uses.

A. Residential development projects in excess of 5 acres shall be required to include a diversity of housing types.

1. Single-family dwellings shall compose 30% to 80% of the total number of dwelling units with at least 10% from each of the following three categories:

- a. Single-family detached dwellings on 6,000 to 10,000 sq ft lots
- b. Single-family dwellings on 5,000 to 5,999 sq ft lots
- c. Single-family detached dwellings on 4,000 to 4,999 sq ft lots

2. Other housing types shall compose 20% to 70% of the total number of dwelling units with a minimum of 5% each of at least three of the following six ~~seven~~ categories:

- a. Duplexes
- b. Triplexes or quadruplexes
- c. Cottages
- d. Zero-lot line (or garden home), townhouse or rowhouse
- ~~e. Townhouses or rowhouses~~
- ef. Dwellings above non-residential space

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~~f.g.~~ Multi-family (more than 4, less than 15 dwelling units per building)

3. No block face shall have more than 55% duplexes, triplexes, quadruplexes, and/or multi-family units.
 4. See illustration of housing types in Figure 310.15-1.
- B. Parking for all residential units, including garages, accessed by driveways from the front of the house shall meet the following setback requirements:
1. Garages less than 15 feet wide shall be set back at least 15 feet behind the adjacent front façade.
 2. Garages 15 feet or wider shall be set back at least 20 feet behind the adjacent front facade.
- C. All dwelling units shall have a front entrance articulated by a covered front entry at the front of the house.
- D. At least 70% of the single family housing units along a single block shall front the street and have front porches of at least eight feet in depth along at least 50% of the entire front façade of the house, ~~ex~~including the garage width.

* * * *

11 ++++++
(Nina Nixon-Mendez)

35-310.15 "UD" Urban Development District

(c) "UD" Blocks, Lots, Streets, Sidewalks, Parking & Loading Design

All blocks, lots, streets and sidewalks shall be designed in accordance with chapter 35, Article 5, of the UDC with the following exceptions: (Where the provisions of this section conflict with Article 5 the provisions of this section shall apply.)

(1) Blocks.

All blocks shall have an average length not exceeding 600 feet and no single block shall exceed a maximum length of (800) eight hundred feet.

(2) Lots.

- A. All lots shall comply with the dimension provisions of Table 310-1.
- B. ~~When a plat is not required by chapter 212 of the TEXAS LOCAL GOVERNMENT CODE~~ Pre-existing lots - The property owner may elect to develop a residential units on a lot existing prior to the adoption of this ordinance on August 28, 2003 under the lot and setback standards referenced in Table 310.15-1, provided that the property is developed in accordance with "Article IV Procedures, Division 4 Subdivisions" of this code.

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12 ++++++
(RID 021, Planning Dept)

35-310.15 "UD" Urban Development District

(e) "UD" Non-Residential Building/Site Design

(1) Facades.

Windows and clearly marked public entries that allow for visibility into the commercial building from the street shall be provided along at least 50% of the length of the first floor street frontage and calculated as the area between the first floor and the first floor ceiling or to a height of 15 feet, whichever is less. Automobile service bay openings shall be included with windows and public entries in the calculation of the window/public entry façade requirements.

* * * *

13 ++++++
(RID 023)

35-310.15 "UD" Urban Development District

(g) "UD" Buffers

- (1)** Buffer requirements for "UD" districts shall be in addition to the requirements set forth in section 35-510 pertaining to buffers.

Reference: Section 35-510 Landscaping and Section 35-523 Tree Preservation
--

- (2)** Any property adjoining a collector, primary or arterial street, or freeway must comply with the minimum vegetative buffer yard requirements set forth below in Table 310.15-3. No fence or wall can be substituted for the vegetative buffer yard requirement. A Type N buffer may be substituted for the buffer yard requirement to encourage the preservation of natural vegetation.

**Table 310.15-3
Street Classification and Vegetative Buffers**

Adjoining Street Classification*	Minimum Vegetative Buffer Yard Requirement	Vegetative Buffer Yard Type
Collectors or Avenues ** (UD, RD, and FR districts Exempt)	15 feet from any property line adjoining a collector street ¹	C or Option C or N Fence, wall, or berm not permitted
Primary and Secondary Arterials, Enhanced Secondary Arterials, or Main Streets or Boulevards (UD district Exempt)	25 feet from any property line adjoining a primary or secondary arterial street ¹	D or Option D or N Fence, wall or berm not required

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Freeways, or Parkways or Super Arterials.	30 feet from any property line adjoining a freeway	E or Option E or N Fence, wall, or berm not required
--	--	---

* As described in Table 506-1, Table 506-2, and the Major Thoroughfare Plan

** Only applicable to MI-1 district.

¹ An aggregated averaged minimum vegetative buffer yard width, equal to or greater than the width indicated, may be utilized when 75 % of the lot frontage, excluding curb cuts and drives, equal the required buffer width.

* * * *

14 ++++++
(City Attorney)

35-311 Use Regulations

(a) Generally

No use shall be permitted pursuant to this ordinance, and no development permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use is listed as a permitted or specific use permit in this section and all applicable permits and approvals have been issued by the agency or official with final decision making authority. Those uses permitted as primary uses or buildings within each zoning district shall be those uses listed in the use matrix ([Tables 311-1](#) and [311-2](#) herein). (~~P~~ermitted accessory uses are set forth in the accessory use regulations, [§ 35-360](#) of this chapter.)

Only one primary use may be located on any residential lot, property and/ or premise. Only one primary use may be located on any nonresidential lot, property and/ or premise unless the improvements on the lots are classed as multi-use tenants including strip centers, shopping malls, and multi storied office buildings. A primary or principal use must be established on a property prior to an accessory use being established on the subject property.

* * * *

15 ++++++
(John Jacks)

35-311 Use Regulations

TABLE 311-1 RESIDENTIAL USE MATRIX																		
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS Function
Accessory uses (Supplemental to the	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	9999

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TABLE 311-1 RESIDENTIAL USE MATRIX																		
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS Function
residential use)																		
Assisted Living Facility (See 35-321 as a conditional use in any single family zone)													P	P	P	P		
Automobile Noncommercial Parking	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	2110
Cemetery, Columbarium Or Mausoleum	S	S	S				S		S		S						S	6700
Childcare Daycare Center (Commercial or Nonprofit)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	6562
Child –Care, Licensed Child-Care Group Day- Care Home	S	S	S	S	S	S	S	S	S	S	S	S					P	6562
Child Care - Registered Child Care Family Home (12 children maximum)		P	P	P	P	P	P	P	S	S	S	S					P	6562
Dwelling - College Fraternity or Sorority (Off Campus)													P	P	P	P	P	1000
Dwelling – Townhouse								P		P		P	P	P	P	P	P	1000
Family Home Community Home		P	P	P	P	P	P	P	P	SP	P	SP	P	P	P	P	P	6560
Park – Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreation Facility, Neighborhood (Public & Non- Commercial)	P	P	P	P	P	P	P	P	P	P	P	SP	SP	SP	SP	SP	P	6340
Rooming House										S							P	4320
School - Private (Includes Church Schools, Private Schools K-12	P	P	P	P	P	P		P		P		P	P	P	P	P	P	6100

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TABLE 311-1 RESIDENTIAL USE MATRIX																		
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS Function
Privately owned College or University, Trade Or Specialty School)																		
School - Public Includes All ISD Schools K-12, Open Enrollment Charter Schools, Public College Or University	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6100
School- University Or College (Private)	S	S	S	S	S	S	S	S	S	S	S	S					P	6130
Skilled nursing facility (see 35-321 as a conditional use in any single family zone)												<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		

16 ++++++
(John Jacks)

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Accessory	Accessory Uses—Secondary Or Incidental To Primary Use	P	P	P	P	P	P	P	P	P	P	P	9900
Alcohol	Alcohol - Beverage Retail Sales (Liquor Store)					P	P	P				P	2150
Amusement	Carnival And/Or Circus - Event use (Specific time limit set by city council on individual case consideration)						S	S	S			S	5300
Amusement	Racing – Motor Vehicle Auto or Truck Track									S		S	
Animal	Small Animal Clinic—No Outside Runs			P	P	P	P	P	P			S	2418
Animal	Small Animal Hospital—Outside Runs Are Permitted					S	P		P	P		S	2418
Auto	Auto Alarm & Radio - Retail (Install. Incidental To Electoninc and Appliance Sales , In "C-2")					P	P					P	2115
Auto	Auto & Vehicle Sales—New And Used Small Scale (No More Than 15 Vehicles Currently						P		P			S	2110

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TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	Licensed And In Running Condition On Site At Any Given Time For Storage And/Or Sale												
Auto	<u>Motor Vehicle Sales (full service)</u>					P		P				NA	
Auto	Auto & Motor Vehicle Sales —New And Used Large Scale					P		P				S	2110
Auto	Auto Paint & Body —Repair With Outside Storage Limited To 3 Vehicles (All Outside Storage Of Parts To Be Totally Screened)					S		P	P			NA	2100
Auto	Auto Parts Retail —W/Installation & No Outside Storage					S	P		P			S	
Auto	<u>Auto - Rental (Pickup & Drop Off Only In "C-2", "D" and "ERZD")</u>					P	P	P	P	P		P	
Dwelling	<u>Dwelling - 1 Family (Single Family)</u>							P				P	
Industrial	<u>Printer - Large Scale</u>					S		P	P			S	2400
Office	Professional Office —no restrictions on square footage unless otherwise prescribed in zoning district regulations. §§ 35-310.01 to 35-310.14, above	P	P	P	P	P	P	P	P	P		P	2400
Office	Office—Less Than 3,000 square feet and less than 35 feet in height	P	P	P	P	P	P	P	P	P		P	
Print	Printer —Large Scale Other Than Quick Print **					S		P	P			S	2400
Recreation	<u>Fitness Center</u>					P	P	P	P	P		P	
Recreation	<u>Gymnasium</u>					P	P	P	P	P	P		5370
Recreation P	<u>Park — Public</u>	P	P	P	P	P	P	P	S	S	S	L	
Retail	<u>Retail Superstore ("big box") — retail sale of a wide array of products in a 25,000 square-foot or greater facility; No outside storage or display of inventory permitted</u>						P					S	
Service	<u>Assisted living facility</u>					P	P	P				P	
Service	<u>Charitable — food and/or clothing bank</u>					P	P	P	P			P	
Service	<u>Charitable — food service establishment (no charge for meals)</u>					P	P	P	P			P	
Service	<u>Construction Trades Contractors</u>								P	P	S	S	
Service	Delicatessen		P	P	P	P	P	P				P	2520
Service	Gymnasium — Commercial **					S	P	P	P			P	5370
Service	<u>Rental — Event Specialties (no outside storage and or display allowed)</u>					P	P	S	P			S	
Service	Tool Rental - Tool, Equipment and Event Specialties <u>(fenced & screened outside storage and display permitted)</u>						P	S	P	P	S	S	2140
Service	<u>Skilled nursing facility</u>					P	P	P				P	
Service	<u>Storage, Climate Controlled</u>	S	S						P	P	P	S	3400
Service	<u>Storage, Cold</u>								P	P	S		3400
Service	<u>Storage, Moving Pod (see definition in Appendix A)</u>	P	P	P	P	P	P	P	P	P	P	S	3400
Service	<u>Storage Shipping Container (see definition in Appendix A. Requires registration affidavit with Development Services Dept.)</u>	S	S	S	S	S	S	S	P	P	P	S	

17 +++++
(Edit)

35-335 "NCD" Neighborhood Conservation District

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(c) Zoning Authority

Separate ordinances are required to designate each "NCD" neighborhood conservation district.

Ordinances designating each district shall identify the designated boundaries, applicable designation criteria and design standards for that district, and be consistent with any existing neighborhood and/or community plans. Adopted neighborhood conservation district plans referenced herein by their title and date of adoption are:

- A. South Presa/South St. Mary's Sts. "NCD-1", November 14, 2002
- B. Alta Vista "NCD-2", May 8, 2003
- C. Ingram Hills "NCD-3", September 9, 2004
- D. Whispering Oaks "NCD-4", February 24, 2005
- E. Beacon Hill Area "NCD-5" December 15, 2005

* * * *

18 ++++++
(City Attorney)

35-403 Notice Provisions

* * * *

(b) Contents of Notice

The notice shall state the time, date and place of hearing and a description of the property subject to the application. The notice shall include, at a minimum, the following:

- The street address, if the street address is unavailable, the legal description by NCB/CB, Block, and Lot metes and bounds or a general description of the location of the property, either using block numbers, nearby street intersections or approximate distances from intersections.
- The current zoning district classification, if any; and

* * * *

(d) Minor Amendments Not Requiring Renotification

(1) The provisions of this Subsection (d) shall govern to the extent not inconsistent with provisions relating to minor amendments for a specific category of development permits of development orders. The reviewing body may allow minor amendments to the application without requiring resubmission of the entire application. For purposes of this subsection, "minor amendments" are amendments which:

- A. permit equal or fewer dwelling units, floor area or impervious surface than that requested on the original application;
- B. reduce the impact of the development; or

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- C. reduce the amount of land involved from that indicated in the notices of the hearing.
- (2) The reviewing agency shall not, in any case, permit as a minor amendment:
- A. an increase in the number of dwelling units, floor area, or impervious surface development,
 - B. a different land use than that requested in the application,
 - C. a larger land area than indicated in the original application, or
 - D. a greater variance than that requested in the application.

In addition, the reviewing agency shall not reduce or eliminate conditions for a specific use authorization or conditional zoning district unless a new notice is provided prior to the final decision thereto.

(3) Zoning Intensity

Recognizing that certain base zoning and flex zoning districts are similar in use but differ in intensity the zoning commission may recommend districts other than requested by the applicant within certain ranges. -The ranges shall constitute all districts on the following three charts that lie between the existing zoning district of the subject property and the requested zoning district for the subject property. Consideration of such a recommendation shall not require re-notification.

(Example an applicant with a property presently zoned "R-6" and requesting "MF-25" could receive a recommendation for approval of any of the following districts "R-5", "R-4", "R-3", "RM-6", "RM-5", "RM-4" or "MF-25")

**TABLE 403-2
ALLOWABLE RESIDENTIAL INTENSITY RANGES**

<u>"RP"</u>
<u>"RE"</u>
<u>"R-20"</u>
<u>"R-6"</u>
<u>"R-5"</u>
<u>"R-4"</u>
<u>"R-3"</u>
<u>"RM-6"</u>
<u>"RM-5"</u>
<u>"RM-4"</u>
<u>"MF-25"</u>
<u>"MF-33"</u>
<u>"MF-40"</u>
<u>"MF-50"</u>

(Example an applicant with a property presently zoned "C-2" and requesting "C-3" could receive a recommendation for approval of any of the following districts "C-3NA", "C-3R OR "C-3")

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TABLE 403-3
ALLOWABLE NON-RESIDENTIAL INTENSITY RANGES

<u>"NC"</u>
<u>"C-1"</u>
<u>"C-2NA"</u>
<u>"C-2P"</u>
<u>"C-2"</u>
<u>"O-1"</u>
<u>"O-2"</u>
<u>"C-3NA"</u>
<u>"C-3R"</u>
<u>"C-3"</u>
<u>"D"</u>
<u>"L"</u>
<u>"I-1"</u>
<u>"I-2"</u>

(Example an applicant with a property presently zoned "R-D" and requesting "MI-1" could receive a recommendation for approval of any of the following districts "UD" OR "MI-1").

TABLE 403-2
ALLOWABLE FLEX DISTRICT INTENSITY RANGES

<u>"FR"</u>
<u>"RD"</u>
<u>"UD"</u>
<u>"MI-1"</u>
<u>"MI-2"</u>

Zoning districts other than base zoning districts and flex districts such as overlay districts and special districts shall require renotification.

19 +++++
(City Attorney)

35-412 Master Development Plan

(a) Applicability

* * * *

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(2) Optional master development plan

Sites that meet the following requirements may, but are not required to, submit a master development plan:

- A. The application proposes more than fifty residential dwelling units.
- B. The application generates (upon build-out) more than 101 vehicle trips per peak hour.
- C. The application contains more than 5 acres designated for non-residential use in a mixed-use development.
- D. The application contains more than two lots designated for non-residential use on a five acre or greater size tract of property.
- E. Any application requests rezoning from a residential to a non-residential district or to a higher density zoning district classification.

* * * *

20 ++++++
(Ken Brown)

35-344

(c) Permitted Uses and Density

(1) Uses.

A planned unit development may include residential, commercial and industrial uses; cluster housing; common areas; unusual arrangements of structures on site; or other combinations of structures and uses that depart from standard development. The uses permitted in a "PUD" are those designated in the approved PUD Plan. Density limits are used to determine the maximum number of permitted dwelling units.

Planned unit developments containing one single zoning district shall be annotated with the zoning district (PUD "RE", PUD "R-20", etc.) and may be developed to the density indicated in the maximum density table in subsection (2) below.

Planned unit developments which contain more than one zoning district shall ~~have each zoning district be~~ annotated as (PUD "~~RE~~", R-6", "O-1", "C-2" ~~PUD "R-20"~~, etc.) for the entire PUD plan area and each individual district may be developed to the density indicated in the maximum density table in subsection (2) below. The acreage for each proposed use will be required, but the boundary lines for these districts will not be required. Each zoning district shall be included on the PUD plan, however, a rezoning shall not be required for the approval of a non-substantial change to the PUD plan as defined in Section 35-413 (c).

* * * *

(j) PUD Plan

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After the PUD zoning is granted, a PUD Plan shall be submitted to and approved by the planning commission prior to approval of any plats or the issuance of any building permits or certificates of occupancy. The PUD plan shall incorporate any conditions imposed with the granting of the PUD zoning. The zoning ordinance shall provide that adherence to the PUD plan, or the amended PUD plan is required, however, a rezoning shall not be required for the approval of a non-substantial amendment to the PUD plan as defined in Section 35-413 (c). The PUD plan shall include the proposed land uses by location, type (residential, office, or commercial), density, and size. The PUD plan shall also delineate the measures that will be taken by the developer and/or owner to disclose to buyers of properties within PUDs of the increased financial responsibilities for the cost and responsibility for the maintenance of private streets and other commonly owned facilities.

21 +++++ (John Jacks)

35-373 Attached Dwellings (Duplexes, Rowhouses, and Townhouses, Zero-Lot Line, Cottages, and Housing for Older Persons)

(a) Applicability

The provisions of this section apply to any single-~~df~~family attached dwelling, duplex, rowhouse, townhouse, zero-lot line house, cottage, or housing facility for older persons.

(b) Townhouse or Rowhouse Development ~~General Criteria~~

- (1) No front yard or side yard is required.
- (2) A rear yard setback shall not be required when the townhouse lot abuts an alley or driveway having a minimum right-of-way width of twenty-four (24) feet which is used to provide ingress and egress to such townhouse development.
- (3) On townhouse and rowhouse lots that do not abut, at the rear, an alley or driveway having a minimum width of twenty-four (24) feet, a twelve foot rear yard setback shall be required. Regardless that side, front and rear setbacks do not apply to townhouses or rowhouse development ~~At~~ at least six hundred (600) square feet of contiguous open area shall be provided on each individual lot behind the front setback. The 600 square foot of open area may be used for a children's play area or patio and may be located in front or to the rear of the townhouse. On corner lots or where side yards are present the 600 square foot of contiguous area may include the side yard as long as it is not separated by a fence from the remaining portion of the 600 square foot of space. The "contiguous open area" may consist of lawns and/or landscaped areas, but shall not include parking, driveways, or other impervious surfaces other than walkways from the front entrance to the street or parking areas.

22 +++++ (Edit)

35-3767 Community ~~Family~~ Homes

Community ~~Family~~ homes are permitted in all residential zones and the "C-1" district, subject to the following conditions:

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- (a) Not more than six (6) disabled persons, regardless of their legal relationship to one another, and two (2) supervisory personnel may reside in a community family home at the same time.
- (b) A community family home must provide to the disabled residents the following services: food and shelter, personal guidance, care, habilitation services, and supervision.
- (c) The residents of a community family home may not keep, on the premise of the home or on the public rights-of-way adjacent to the home, more than one (1) motor vehicle per bedroom for the use of the residents of the home.
- (d) A community family home must meet all applicable licensing requirements.
- (e) A community family home may not be established within one-half (1/2) mile of a previously existing family home.
- (f) No certificate of occupancy is required for a community family home.

23 +++++
(Debbie Reid)

35-401 General Procedural Requirements

(b) Categories of Permits

There are three basic categories of permits and/or development orders pursuant to this chapter. These categories are defined as follows:

(1) Legislative Development Orders.

Legislative development orders involve a change in land use policy by the city council. A public hearing is required, but the procedural requirements of a quasi-judicial hearing do not apply. Examples include annexations and rezonings.

(2) Quasi-Judicial Decisions.

A quasi-judicial decision involves the application of a standard required by this chapter to an application. It requires a public hearing. Procedural due process requirements apply as established in § 35-404 of this Article. Examples include, variances, and appeals.

(3) Ministerial Permits.

Ministerial permits involve the application of the standards of this chapter to an application by an administrative official or agency. A public hearing is not required. A ministerial permit typically occurs late in the development approval process. Examples include building permits and certificates of occupancy.

(4) Prohibition Against Issuance of Permits

Unless prohibited by state law no permit including building or trade permits within the City Limits and plat approvals within the Extraterritorial Jurisdiction Area, shall be issued for any property or project, which has an unresolved outstanding tree violation.

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24 +++++
(John Jacks)

35-404 Public Hearings Procedures

(a) Applicability

The provisions of this section apply to any application involving quasi-judicial or legislative review. The provisions of this section do not apply to any application for a ministerial permit.

(b) Meetings

The planning commission, and zoning commission, and historic and design review commission shall hold regularly scheduled public hearings to receive and review public input on those items required by this chapter. on those items where it has review authority, the zoning commission or planning commission shall recommend that the city council approve, approve with conditions or deny such items. If a comprehensive plan, rezoning, or other land use regulation requiring final approval of the city council, or amendment thereto, or other development approval, has been duly submitted to the zoning commission or planning commission, and said commission has failed to make a recommendation approving or denying such action at two (2) consecutive meetings, such action, at the option of the applicant, shall be deemed to be a negative recommendation. In the event that said commission fails to pass a motion, such action shall be deemed to be a negative recommendation. The director shall thereupon submit the proposed land use regulation or amendment thereto or other development approval to the city council for its consideration.

25 +++++
(Richard Alles)

35-412 Master Development Plan

(g) Amendments

* * * *

(2) Applicability

Minor amendments include the following:

- Changes to the timing or phasing of the Proposed Development provided the use and overall geographic land area remains the same.
- ~~Adjustment of unit boundaries within tracts or parcels adjoining the outer boundaries of the Master Development Plan provided the use and overall geographic land area remains the same.~~
- ~~A reduction in the number of proposed platted lots provided the use and overall geographic land area remains the same.~~
- ~~A decrease in overall residential density.~~
- Updating of ownership or consultant information.
- ~~A decrease in the overall land area, provided the initial design is maintained.~~
- Master Development Plan or subdivision plat name change.

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- Change in internal street circulation pattern not increasing the number of lots or lowering the connectivity ratio.
- On increase in parkland having the characteristics set forth in 35-503(c) and 35-503(b)(2-5). However, such parkland must be located on-site and cannot be used as credit for a dedication required by another subdivision or project.

All other revisions shall be classified as major amendments and shall be processed in the same manner as the initial Master Development Plan submittal.

(h) Scope Of Approval

~~(1) An approved Master Development Plan shall remain valid in accordance with the following time frame:~~

- ~~A. The Master Development Plan shall expire unless a final plat is approved within eighteen (18) months from the approval of the Master Development Plan that plats, at least twenty (20) acres or eight (8) percent of the net area of the Master Development Plan area or that requires at least five hundred thousand dollars (\$500,000.00) in infrastructure expenses if the Master Development Plan is one thousand (1,000) acres or less or at least one million dollars (\$1,000,000.00) if the Master Development Plan is more than one thousand (1,000) acres.~~
- ~~B. Further, an approved Master Development Plan shall expire unless fifty (50) percent of the net area within the approved Master Development Plan is the subject of final plats or development within ten (10) years from the date of approval of the Master Development Plan. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net area within the Master Development Plan has been platted or developed. Unless specific provisions to the contrary exist in an individual ordinance or City Code provision, the filing of an amending minor Master Development Plan (see § 35-412(g)(2), plat, or replat will not result in a loss of permit rights an abandonment of the original Master Development Plan provided that the required area of acreage within the Master Development Plan platted or value of infrastructure expenses do not fall below the amounts indicated above as a result of the amendment or replat.~~

(1) Master Development Plan

An approved Master Development Plan shall remain valid in accordance with the following criteria. If these criteria are not met, it will expire. In all cases, a Master Development Plan expires twenty (20) years from the date of approval.

The Master Development Plan (MDP) shall not expire if:

- A. less than twenty-four (24) months have elapsed from the date of approval of the MDP and final plat(s) and detailed site plan(s) covering at least twenty (20) percent of the gross area of the Master Development Plan have been approved, or
- B. less than three (3) years have elapsed from the approval date of the MDP, and

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i. final plat(s) and detailed site plan(s), covering at least thirty (30) percent of the gross area of the Master Development Plan have been approved, and

ii. for every tract/unit platted pursuant to i. above:
a. there exists a valid building permit, or
b. less than one year has elapsed since a valid building permit existed, or
c. the project for the tract/unit is complete.

C. less than seven (7) years have elapsed from the approval date of the MDP, and

i. final plat(s) and detailed site plan(s), covering at least fifty (50) percent of the gross area of the Master Development Plan have been approved, and

ii. for every tract/unit platted pursuant to i. and ii. above:

a. there exists a valid building permit, or
b. less than one year has elapsed since a valid building permit existed, or
c. the project for the tract/unit is complete.

D. less than fifteen (15) years have elapsed from the approval date of the MDP, and

i. final plat(s) and detailed site plan(s) covering the entire MDP have been approved

For every tract/unit platted pursuant to i., ii., and iii. above:

a. there exists a valid building permit, or
b. less than one year has elapsed since a valid building permit existed, or
c. the project for the tract/unit is complete.

(2) Site plan requirements

A site plan submitted pursuant to section 35-412(h)(1) shall contain the following information:

A. BASE INFORMATION

The following information shall be included on each 24"x 36" sheet:

- Project title
- North arrow
- Engineering scale shall be 1"=10', 1"=20', 1"=30', or 1"=40'; if the project is too large, 1"=50', with detail at 1"=20'
- Designer(s) company name, address, and telephone number
- *Seal and signature of the engineer preparing plans, and the date the plans were signed by the engineer
- Leave a blank space (approval space) in the lower right hand corner at least 5" x 3" on each sheet
- Boundary lines with bearings and dimensions
- City limit line, when located in or near the site

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- Street address (verified)
- Show the natural topography of the site and land located within 100 feet of the site, at two-foot elevation intervals with a maximum 100-foot horizontal interval distance between lines
- Existing and proposed streets, alleys and private drives adjacent to and within property including median cuts; existing, dedicated right-of-way should be indicated next to street name; proposed right-of-way and all pavement widths
- All existing and future dedicated easements
- Location of all existing and proposed electric utility facilities on the site and adjacent right-of-ways
- Exact locations and types of all utility lines, underground and overhead, existing and proposed
- Location of all proposed and existing structures to remain; indicate any demolition's by dashed footprint

* Not required for small projects

B. ADDITIONAL REQUIRED INFORMATION:

- Boundary of all zoning districts on or near the site; all existing adjoining land uses
- Location of all buildings within 50 feet of site
- Finished floor elevations
- Show limits of construction, including access drives
- In tabular form, indicate the following information concerning the site within the City limits:
 - a) total area of site
 - b) total floor area ratio for each zoning district within the City limits
 - c) total impervious cover (in sq. ft.) for each zoning district within the City limits
 - d) percentage of site covered by impervious cover
 - e) total building coverage (in sq. ft. and %) for each zoning district within the site
- Show dimensions to the nearest one-half foot of all existing and proposed buildings
- Show location of parking lots and vehicle use areas, landscape islands, peninsulas, and medians; amenities, walls, fences, sidewalks, and all other land improvements
- Label all roadways, drives, overpasses, bridges, culverts, and decorative/pervious pavers and identify as designed to support the loads imposed by heavy fire department apparatus
- The locations, types and limits of existing site improvements to be retained (structures, parking lots, planted areas, etc.)
- The location of 25-year and 100-year flood plains, storm sewers, and easements and centerline of existing watercourses, drainage features; note on the cover sheet if a 100-year flood plain exists on site
- If not on City sewer system, delineate drain field
- Location of all existing and proposed fire hydrants, including all existing public fire hydrants located within 500 feet of the property boundaries

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- Existing or proposed garbage pickup location(s) if commercial dumpsters are proposed; indicate by a note if City garbage pickup is proposed
- In tabular form indicate the following information for each building:
 - a) proposed use and the square footage for each use within each structure on the site
 - b) number of stories
 - c) actual height (nearest one-half foot)
 - d) finished floor elevation(s)
 - e) foundation type
 - f) total square footage, for building and for each floor
 - g) type of restaurant (drive-in/fast food, limited, general), type of office (administrative and business, medical, professional), number of rooms for hotels or similar facilities, number of employees, and/or number of children for proposed school and day care services, if applicable
 - h) number of residential use types and sizes, if applicable
 - i) amenities, such as swimming pool, patios, etc.
- Distances between buildings, building setbacks and front street, side street, interior and rear yards; tie buildings to site in two different directions; show all structural connections between buildings such as overhead walkways, landings, or roof attachments
- Widths of all unobstructed access roadways with appropriate finished grades, widths, lengths, turnarounds and turning radii (T-section, hammerhead, cul-de-sac)
- All frontage roads, intersections, entrance/exit ramps, and driveways abutting and adjacent to subject property within 300 feet of side property lines (or indicate that there are none).
- Texas Department of Transportation centerline stationing if driveway connection to a State highway is proposed.
- All driveway dimensions and design specifications; dimension driveway widths, driveway curb return radii, and profiles of finished grades; number on site plan when there are several proposed driveway approaches
- Proposed operation of driveways on site plan (i.e. one-way or two-way operation), identifying and labeling all physical barriers to vehicular access
- On undivided roadways, show existing driveways on opposite side of street within 120 feet of site driveways, or indicate in a note if there are none.
- Physical obstructions (utility poles, trees, storm sewer inlets, etc.) in right-of-way which could affect sidewalk/driveway locations.
- Dimensions of vertical clearance within fire lanes, including tree limbs, for all driveways and internal circulation areas on site, where overhead clearance is restricted
- All off-street parking; number of required and provided parking spaces including location, number and type (standard, compact, handicapped) of actual parking spaces; dimension parking stall depth and width, stall angle, aisle

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width, and width on internal driveways; number each parking space; show structural supports, turning radii; circulation, and ramp grades in parking garages; identify number and location of compact spaces

- Handicapped parking spaces meeting State standards
- Accessible route of travel connecting all accessible elements and spaces on the site that can be negotiated by a person using a wheelchair and is usable by persons with other disabilities (indicated by dotted lines, a shading pattern or other identifiable legend)
- Note on the plan indicating that each compact parking space must be identified by a sign stating "small car only" and signs posted on site directing motorists to such spaces
- Off-street loading spaces, if required
- Location and type of bicycle parking
- Queue spaces or queuing areas for drive-through uses
- Location and width of sidewalks on site plan
- The location and design of all pedestrian sidewalk ramps related to the construction of this site

~~(2)~~⁽³⁾—Development activities subject to the requirements of this section may be carried out only in substantial conformance with the approved master development plan and any conditions or restrictions attached thereto. Any deviation from the approved master development plan unless approved in advance and in writing by the director of development services, shall be deemed a violation of this chapter.

26 ++++++
(Ken Brown)

35-413 PUD Plan

* * * *

(c) Plan Changes.

Alterations to a PUD plan shall be classified as either substantial or non-substantial amendments. Nonsubstantial amendments may be approved by the director of planning. Substantial amendments shall be considered by the planning commission following the same procedure required for the initial approval of the plan, including payment of the plan review fee. The following criteria shall be used to identify a substantial amendment:

- ~~1) — A change which would include a land use not previously permitted under the approved PUD zoning.~~
- ~~(2) — A change which would alter the land use type adjacent to a PUD boundary.~~
- ~~(3) — A change which would increase the overall density of the PUD by more than ten (10) percent. However, in no instance may the overall density of the PUD exceed that permitted by the base zoning district.~~
- ~~(4) — A change which the director of planning determines would significantly alter the general character or overall design of the plan.~~

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- (1) Any increase in the total number of residential units for the entire PUD.
- (2) Any increase in the total commercial acreage within the PUD.
- (3) Any increase in the total industrial acreage within the PUD.
- (4) Any increase in the cumulative traffic impacts of the entire PUD upon outlying transportation infrastructure.
- (5) Any increase in the total sewer capacity required for the PUD as measured in equivalent dwelling units.
- (6) Any increase in the total water capacity required for the PUD as measured in equivalent dwelling units.
- (7) Any decrease above 10% in the total open space acreage within the PUD.
- (8) Any decrease in perimeter buffers between the PUD and adjacent properties.
- (9) Any change in a proposed land use node from residential to an office, commercial, or light industrial use, if the property where the proposed change is to occur abuts existing property in which the Principal use is a Single Family Residence.
- (10) Any other revision to a PUD site plan not described in subsection (2), above, shall be deemed a non-substantial change.

27 +++++
(City Attorney, John Jacks)

35-421 Zoning Amendments

(e) Approval Criteria

* * * *

(7) Right-of-way dedication.

* * * *

- B. A change from either temporary or ~~permanent R~~permanent R-4, RM-4, R-5, R-6, R-20 or MH, to a multiple family residence, business, industrial, business park, or entertainment ~~district~~ zoning ~~district classification~~ shall constitute prima facie evidence that an increase in traffic shall occur and require right-of-way dedication. The property owner shall have the right to introduce evidence to the zoning commission and city council to show that the zoning change will not increase traffic; however, the evidence must be based on all uses permitted in the requested zoning ~~district classification~~, not solely on the proposed use of the property.

* * * *

(f) Subsequent applications

(1) Applicability.

The provisions of this subsection shall not apply to any application for a rezoning which is initiated by the city council.

(2) Withdrawal of Zoning Application ~~After Zoning Commission Hearing.~~

A. ~~Withdrawal without time penalty.~~

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An applicant may withdraw a zoning application up to the time that it is called forward and the city staff begins presentation of the application during a dully advertised public meeting without a time penalty on resubmission of another rezoning application for the property whether by the original applicant or a new applicant.

B. Withdrawal with time penalty:

An applicant may withdraw a zoning application after it has been called forward for discussion and staff has begun presentation however such withdrawal shall be penalized by imposing an automatic six month time period following the date of withdrawal before the same or another application for the same property can be submitted for processing.

C. Waiver of time penalty in B. above for resubmission:

At the time of withdrawal of an application for rezoning the zoning commission may consider a request by the applicant to bring the application or a modification of the application back prior to the expiration of six months subject to all notifications and postings of the case being observed. If the zoning commission fails to approve such resubmission prior to continuing with the next agenda item the six-month submission limitation shall stand.

D. Request of relief of time penalty:

~~No application for the zoning of any lot or lots or block of land situated in the city shall be received or filed with the zoning commission of the city and no hearing had thereon, if within six (6) months prior thereto an application was received or filed and withdrawn after a full, fair and complete and final hearing was had on the rezoning of such lot, lots or block of land before the zoning commission; provided, however, if~~ new relevant and substantial evidence, which could not have been secured at the time set for the original hearing shall be produced by applicant, under a sworn affidavit to that effect; then in that event, the zoning commission may elect ~~shall have the right~~ to hear and consider such application prior to the expiration of the time penalty.

(3) Postponement of Case by Applicant

~~Prior to the city sending notices to effected landowners for a requested zoning change an applicant may request in writing for the city to postpone the zoning case. In such cases the applicant shall have 6 months from the date of the written request for postponement to reactivate the zoning case. After expiration of the six-month period the zoning fees paid shall be non-refundable and the applicant will have to submit a new application with new fees for further consideration of a zoning change on the subject property. Postponed zoning cases shall not count toward qualification of a claim for vested rights for the project covered by the zoning case.~~

* * * *

(i) Recording Procedures

When the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning

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~~districts~~ ~~classifications~~ and indicating their boundaries. The director of development services shall refer to said attested ordinance as a record of the current zoning status until such time as the zoning map can be changed accordingly.

28 +++++
(City Attorney)

35-422 Conditional Zoning

The conditional zoning procedure is designed to provide for a land use within an area that is not permitted by the established zoning district but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions. The granting of a conditional zoning ~~classification~~ shall not be for all of the uses permitted in a given district but shall be only for the conditional use (bookkeeping office, photography studio, etc.) named in the ordinance approving the conditional zoning district.

(a) Applicability

The provisions of this section apply to any application for ~~rezoning~~ ~~reclassification~~ of a tract, parcel or land area to a conditional zoning district. Conditional zoning district may be applied as parallel districts to any of the Base Zoning Districts.

* * * *

(d) Decision

- The procedure for approving a conditional zoning ~~district~~ ~~classification~~ shall be as required for a rezoning (§ 35-421(d)) and as further provided herein. However, if an application for a specific use permit is filed with the application for a conditional zoning district, a public hearing shall be conducted as provided in § 35-404 of this Article. In approving a conditional zoning ~~district~~ ~~classification~~, the city council may impose such requirements and safeguards as indicated by (e)(2) below and may specifically authorize the location of uses, subject to the requirements set forth in subsection (e)(2) of this section.

Procedures for protest petitions shall be as set forth in VTCA Local Government Code § 211.006(d).

(e) Criteria

* * * *

(2) Development Constraints – Generally.

In considering a request for a conditional zoning ~~district~~ ~~classification~~, the zoning commission shall make a recommendation to the city council with reference to the use and development conditions which insure compatibility with surrounding properties. Compatibility in the context of this provision of the UDC shall refer to

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the compatibility of the proposed use with surrounding uses and adjacent zoning districts and not to building character, construction material or architectural design of the structure itself unless covered by other ordinances. Development constraints that may be specified as a requirement for a conditional zoning ~~district classification~~ shall be limited to the following unless approved by the city council:

* * * *

(3) Development Constraints in Residential Districts.

The following conditions in addition to those in subsection (e)(2) above shall apply to the operation of nonresidential conditional uses permitted within any residential district, unless otherwise approved by the city council:

- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding ~~residential~~ neighborhood.
- C. Business or office hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m.

* * * *

(g) Amendments

(1) New or Different Uses.

An amendment to a conditional zoning district to authorize a new or different use shall require a new application for a rezoning to a conditional zoning district and shall processed as set forth in subsections (b) through (e) of this section.

(2) Expansion.

Expansion of the building area, land area or intensity of the conditional zoning ~~district classification~~ for a property granted ~~a~~ conditional zoning ~~classification~~ shall not be allowed unless so authorized by the city council after consideration of an application for a new conditional zoning ~~district classification~~ and payment of appropriate fees.

(h) Scope of Approval

(1) Compliance with Development Constraints.

The city council may grant a conditional zoning ~~district classification~~ subject to such development constraints the city council deems necessary to protect the public health, safety or welfare and as limited by subsection (e)(2) and (e)(3) above. The city council may specify that compliance with certain conditions must be achieved prior to the issuance of a certificate of occupancy. Violation of any condition, subsequent to the issuance of a certificate of occupancy, may result in

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initiation of a rezoning of the property to its base zoning district classification and judicial and/or administrative action by the city.

(2) Time Period.

A conditional zoning district classification shall run with the land until such time that the zoning is changed or the conditional use granted has been discontinued on the property for a period of twelve (12) months. However, the city council may impose a time limitation on a conditional zoning district classification granted in a single-family residential district. (As a courtesy the city shall notify the property owner by mail of the upcoming conditional zoning district classification expiration sixty (60) days prior to the expiration date of the permitted time period. Lack of notice of the expiration date shall not cause the conditional zoning district classification to be extended or continued.) Failure to renew the conditional zoning district classification prior to the date of its expiration may cause the conditional use to expire and the conditional use to terminate on that date. The director may then initiate proceedings to rezone the property to its former zoning district classification.

(3) Base Zoning District Regulations Apply.

The granting of a conditional zoning district classification does not affect uses permitted by right in other areas of the zoning district, but does not permit the applicant to use the subject property for uses other than those requested in the application for a conditional zoning district classification. The granting of a conditional zoning district classification does not waive the regulations of the underlying zoning district.

(4) Renewal in Single-Family Zoning Districts.

Prior to the expiration of a conditional zoning district classification in a single-family residential district, a permit holder may seek a new conditional zoning district classification for the subject property in a manner that conforms to this section. Recapture of financial investment relative to a conditional zoning district classification shall not be considered as grounds for extension and/or renewal of a conditional zoning district classification.

(i) Recording Procedures

A conditional zoning district classification shall be recorded in the same manner as a rezoning, subject to the additional requirements specified herein. The conditional zoning district classification shall be indicated by the symbols CD following the zoning district designation; e.g. "O" (CD-permitted use).

~~(j) "SUP" Suffix Designation~~

~~Special use permits granted prior to the effective date of this ordinance shall be re-designated from a suffix of "SUP" to suffix of "ESUP" (existing special use) to distinguish those properties from new special use permits to be designated by the suffix "SUP".~~

29 ++++++
(Debbie Reid, Richard Chamberlin)

35-430 Applicability & General Rules

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(b) Classification of Subdivisions

(1) Minor Subdivisions [reference: VTCA § 212.0065(a)(2).

* * * *

A requirement imposing sidewalk, [curb, right or left turn lanes, pavement widening or streetscape tree](#) improvement and installation shall not constitute a major plat.

30 ++++++ (Elizabeth Carol)

35-430 Applicability & General Rules

(c) Plat Exceptions

* * * *

- (12) The provision of utility service to not more than three (3) dwelling units on an unplatted tract [or antiquated plat](#) shall not require a subdivision plat provided all of the following requirements are met: (1) the tract is located outside the city limits within the extraterritorial jurisdiction of the city; (2) the tract has a minimum of fifteen (15) feet of frontage on a public street or a recorded access easement and the tract was created prior to ~~July 1, 1990~~ [January 1, 2000](#); (3) the tract has a minimum area of five thousand (5,000) square feet for each dwelling unit; (4) the tract is held under single ownership; (5) no major thoroughfare dedication is required; (6) no dwelling unit will be located within a regulatory floodplain; and (7) no utility extension is required. Pursuant to Subsection (c)(9)(5), the owner of an unplatted parcel abutting a designated major thoroughfare may voluntarily execute a street dedication instrument in accordance with form "S" in Appendix "C" in lieu of public dedication through platting when necessary. Any further subdivision shall require approval of a subdivision plat as provided herein.

- ~~(13) [Sewer & water service to existing buildings If existing buildings on an unplatted tract are occupied, sewer and water services may be provided if "all" of the following conditions are met:](#)~~

- ~~A. The applicant provides evidence that non single-family development and/or non single-family [improvements had received electrical service for a minimum continuous period of five years prior to the date of application for sewer and/or water services.](#)~~
~~B. The site is not subject to thoroughfare dedication.~~
~~C. If applicable, existing building/s shall comply with the flood plain ordinance.~~
~~D. Service is restricted to existing uses and.~~
~~E. Impact fees are paid at time of application for service.~~

- [\(14\) An existing single-family residence can add a second residential structure provided they utilize the same electrical meter and the occupant is family. In addition, the applicant will need to comply with all zoning and septic tank requirements](#)

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31 ++++++
(Elizabeth Carol)

35-431 Letters of Certification

(b) Initiation

* * * *

(4) Plat Number.

Prior to submitting a plat, replat, or amending plat for review by the city or any other agency, the applicant shall complete a plat application with the development services department, [provide a digital file in accordance with 35-B101\(e\)](#) and obtain a plat number.

* * * *

(c) Completeness Review

Upon receipt of a request for letters of certification, the director of development services shall classify the request as a tentative major subdivision or a tentative minor subdivision. However, a plat that the director of development services finds is for the sole purpose of amending one or more building setback lines shall be submitted to the planning commission for consideration without review by any other agency. Such plat shall be referred to as a building setback line plat (BSL) and shall comply with all provisions of Chapter 212 of the Texas Local Government Code. [It is noted that while the City has created an expedited review process and waived the public hearing notification fee, the proposed BSL plat will have to comply with the public hearing provisions noted in Chapter IV.](#)

The appellate agency for purposes of completeness review (see [§ 35-402\(c\)](#) of this chapter) shall be the planning commission. When a certifying department determines that the proposed plat or any of the required accompanying data does not conform with the requirements of this chapter, the certifying department shall so notify the applicant and director of development services. If the certifying department issues a letter of certification recommending disapproval of the proposed plat, the letter shall indicate the section and specific requirement of the regulations and the manner in which the request does not comply. The applicant may then revise the nonconforming aspects or may file the proposed request with the planning commission pursuant to § 35-432 of this chapter, with or without a request for a variance (§ 35-483 of this Article) provided, however, that if no variance request is submitted and approved and the application does not conform to this chapter, the application shall be denied.

32 ++++++
(Elizabeth Carol)

35-433 Development Plat

(a) Applicability

* * * *

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(3) A development plat is not required where:

* * * *

- C. The tract is greater than five (5) acres, has access with a minimum frontage of fifteen (15) feet onto a public right of way, public street, platted private street or recorded irrevocable access easement, and which requires no public dedications. Providing further that the owner agrees not to further subdivide without filing a subdivision plat and a request for utilities shall not serve more than 3 dwelling units. ~~Pursuant to Subsection (a)(2)(C), the owner of an unplatted parcel abutting a designated major thoroughfare may voluntarily execute a street dedication instrument in accordance with form "S" in Appendix "B" Section 35-B121 in lieu of public dedication through platting when necessary.~~

33 ++++++
(City Attorney)

35-434 Plat Deferral

(a) Applicability

The planning commission may grant a deferral of the requirement to plat for a subdivision of four (4) or fewer lots to allow a submittal for a building permit and/or utility services prior to plat approval. The time period for which the platting requirement may be deferred shall not exceed one hundred eighty (180) days. An application to defer platting may be filed if the following conditions are met:

* * * *

- (6) The proposed project is not contingent upon a change in zoning [district classification](#).

* * * *

34 ++++++
(RID 044, Elizabeth Carol)

35-441 Amending Plats

(a) Applicability

* * * *

- (14) [Unrecorded Plats](#) - A plat that has been approved but not recorded in the office of the county clerk may be amended for the purpose permitted for a recorded plat. In addition, an unrecorded plat may be amended to add, delete, or relocate an easement unless a certifying department/agency, upon initial review of the plat, determines that the proposed amendment will require further review and requests in writing to the director of development services that a new plat be submitted.

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35 +++++
(Elizabeth Carol)

35-442 Replatting of Antiquated Plats

(a) Applicability

For purposes of this section, any subdivision platted prior to June 14, 1927, the effective date of VTCA, Local Government Code Chapter 212, shall not be considered a plat under that chapter and a replat of such a subdivision shall be considered an original plat ~~and shall be subject to the same notice requirements as a minor subdivision plat.~~

(b) Initiation

An application for a replat shall be submitted to the director. The plat shall be signed and acknowledged by only the owners of the property being resubdivided. ~~The plat shall be annotated with a certificate the same as form "P", § 35B-120 in Appendix "B" to this chapter.~~

(c) Completeness Review

The director of development services shall review an application for replat in accordance with § 35-432(c) of this chapter. The appellate agency for purposes of completeness review (see [§ 35-402\(c\)](#) of this chapter) shall be the planning commission.

(d) Decision

The replat must be approved by the [director of development services](#). ~~planning commission after a public hearing. The notification procedures for a minor subdivision shall apply.~~

* * * *

36 +++++
(City Attorney)

35-443 Replats Subject to Low-Density Zoning

[Reference: Texas Local Gov't Code § 212.015]

(a) Applicability

The following procedures of this section shall apply if during the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning [district classification](#) to residential use for not more than two (2) residential units per lot, or if any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

37 +++++
(Elizabeth Carol)

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35-481 Appeals to Board of Adjustment

(a) Applicability

A request to the Board of Adjustment for permission to vary or depart from a requirement of Article III or Article V Subsections 506.d.5, 506.r.6 (to include Table 506-7, 514, 515, 516, 517, 525, 526, and 527 of this chapter where, due to special conditions, a literal enforcement of the requirement will result in an unnecessary hardship.

(1) Generally.

Except as provided by Subsection (2), any of the following persons may appeal to the board of adjustment a decision made by an administrative official:

* * * *

38 ++++++
(City Attorney)

35-482 Zoning Variances

* * * *

(h) Special Exceptions

The zoning board of adjustment must find that a request for a special use permit meets each of the five following conditionsexceptions.

- A. The special exception will be in harmony with the sprit and purpose of the chapter.
- B. The public welfare and convenience will be substantially served.
- C. The neighboring property will not be substantially injured by such proposed use.
- D. The special exception will not alter the essential character of the district and location in which the property for which the special exceptionspecific use permit is sought.
- E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

The zoning board of adjustment must find that a request for a special exception ~~use permit~~ meets each of the five following conditions.

39 ++++++
(Elizabeth Carol)

35-483 Subdivision Variances

(a) Applicability

~~This section shall apply to any application for a variance from an applicable provision of provisions of Article 5 of this chapter.~~ A request to the Planning Commission for permission to vary or depart from a requirement of Article IV or V of this chapter (except for the subsections of Article V reserved to the Board of Adjustment) where, due to special conditions, a literal

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enforcement of the requirements will result in an unnecessary hardship. Variances to plats, and any associated plans and profiles shall be granted by the planning commission, and the applicable county commissioner's court if the property is located within the ETJ, only in conjunction with the consideration of the proposed plat for approval. Except for those administrative exemptions provided by 35-501, variances shall be granted only with respect to the standards for subdivision plat approval, and not for the process for obtaining subdivision plat approval.

40 ++++++
(City Attorney)

35-483 Subdivision Variances

(d) Decision

* * * *

(2) Review and Approval by Planning Commission.

The planning commission shall review the variance application along with the application for plat approval and shall render a written finding approving, denying, or approving with conditions the variance. The findings of the planning commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the planning commission meeting at which the variance is considered. In granting variances, the planning commission may impose such reasonable conditions as will ensure that the property will be as compatible as practical with these regulations and surrounding properties. Variances to plats, and any associated plans and profiles may be granted by the planning commission only in conjunction with the consideration of the proposed plat for approval. The plat shall be revised and approved so that it conforms to any exceptions granted herein.

The Planning Commission shall not waive construction and/or R.O.W dedication or grant a variance to the construction of streets on the Major Thoroughfare Plan. The Commission may only recommend a deletion of a roadway segment off the plan only after the developer brings a request for Master Plan change to the Commission.

41 ++++++
(Richard Chamberlin)

35-502 Traffic Impact Analysis

(a) Specific Requirements for Transportation LOS

* * * *

(7) Limitations on Traffic Impact Mitigation.

* * * *

D. Left and right turn lanes are required off of arterials and may be required off of collectors based on a minimum 60 PHT right or left turning movements entering into a driveway or street. For TxDOT ROW, right

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and left turn lanes may be required according to traffic volumes per
TxDOT's current edition of the Roadway Design Manual.

42 ++++++
(Park Department)

35-503 Parkland Dedication Requirement

(b) Required Parkland

* * * *

- (5) The following areas shall not be considered parkland pursuant to this subsection:

* * * *

- B. Utility easements, drainage easements, or street rights-of-way, unless such areas are useable for public recreational purposes and will not be permanently converted to a street or trench. Land ~~underneath overhead~~underneath overhead utility lines shall in no instance be considered a park/open space except where used for jogging trails, bicycle trails, or parking areas accessory to a park/open space. Trails shall conform to standards set forth in Table 503-4 and credit will be given for trail only.

* * * *

43 ++++++
(Park Department)

* * * *

35-503 Parkland Dedication Requirement

(c) Parkland Characteristics

* * * *

(2) Designation.

Any areas reserved as parkland shall be indicated on the application for development approval. A ~~parkland~~Parkland provision and Maintenance ~~plan~~Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all proposed parks or open-space required by this section. The plan shall:

- A. Designate areas to be reserved as a ~~park~~PARK (for parkland with improvements) or ~~open-space~~OPEN SPACE (for parkland without improvements).
- B. Specify the manner in which the park or open space shall be perpetuated, maintained, and administered.

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(3) Parks and Open Space.

- A. Applicants may set aside parkland as parks or open space to be maintained privately by an approved organization that meets the requirements of subsection (e) and the minimum size requirements stated below:

Table 503-2

Zoning District	Minimum Dedication Size (in sq. ft)	Minimum Width <u>Dimensions</u>
ETJ	10,000	100' x 100'
"R-20"	20,000	100' x 200'
"R-6", "RM-6"	10,000	100' x 100'
"R-5", "RM-5"	10,000	100' x 100'
"R-4", "RM-4"	10,000	100' x 100'
"MH"	10,000	100' x 100'
"MF-25", "MF-33", "MF-40", "MF-50"	10,000	100' x 100'

1. Planned ~~unit~~Unit developments~~Developments~~ will abide by the minimum requirements set forth in Table 503-2 based on the underlying zoning.

44 ++++++
(Park Department)

35-503 Parkland Dedication Requirement

(d) Suitability

* * * *

(7) Access.

If streets are planned within a proposed project, ~~Parkland~~ parkland provided pursuant to this section shall have direct access to said streets. Direct access shall not be less than one-hundred (100) contiguous feet along a public street or ~~to a~~ private street maintained by a homeowners association or condominium association, or an interior driveway maintained by an apartment association. If no streets are planned within a proposed project, parkland provided pursuant to this section shall have direct access of not less than one-hundred (100) contiguous feet along a public street.

* * * *

45 ++++++
(Park Department)

35-503 Parkland Dedication Requirement

(e) Designation of Parkland

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* * * *

(1) Dedication of Land to City.

Dedication of parkland to the city shall satisfy the requirements of this subsection. Dedication shall take the form of a fee simple ownership. The city shall accept a dedication of not less than three (3) acres of contiguous undivided parkland provided: ~~-(1) such land is accessible to the residents of the city; (2) there is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; (3) the parkland area meets the requirements of subsection (d) of this Section.~~

A. such land is accessible to the residents of the city;

B. the parkland area meets the requirements of subsection (d) of this Section;

C. there is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance;

1. An environmental survey of the property shall be submitted.

2. A metes and bounds and boundary survey of the property shall be submitted.

3. A warranty deed shall be submitted to verify ownership along with a submittal determining property value.

* * * *

46 ++++++
(Park Department)

35-503

(g) Fee in lieu of Land Dedication (Optional)

* * * *

(7) There is hereby established a special fund for the deposit of all fees collected under this subsection (g), which fund shall be known as the Park Acquisition and Development fund. Within the fund, park development fees paid shall be earmarked for expenditure on park improvements in a neighborhood park generally located within the distance described in subsection (6) above. All fees in lieu of park land dedication and all park development fees paid must be expended within ten (10) years from the date of receipt for park facilities benefiting the residential subdivision or dwelling unit for which the fees are paid. Fees shall be considered expended if they are spent for acquisition or development respectively, of neighborhood parks located within the distance described in subsection (6) above for which the fees were paid within the ten-year period. If fees are not expended within such period, the then-current owner shall be entitled to a refund of the principal deposited by the Applicant in such fund, together with accrued interest. The owner must request such refund in writing within three hundred sixty-five (365) days of entitlement or such right shall be waived. Interest accruing to the parkland dedication fund and to the park

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development fund shall be expended on neighborhood parkland acquisition and for neighborhood park improvements, respectively.

47 ++++++
(Park Department, Murry Van Emman)

35-503 Parkland Dedication Requirement

(h) Credit for Park Facilities

* * * *

**Table 503-4
Park Facilities Credit**

(A) Criteria List	(B) Design Criteria	(C) Credit Acres
Playground	See subsection (3), below.	1.25
Picnic area.	Picnic areas shall have a minimum area of 2,500 square feet and contains two picnic units. A picnic unit is defined as a concrete or metal picnic table two benches, and a cooking grill all permanently anchored to the slab. For every 3 acres of parkland required, credit for one picnic area may be awarded.	0.25
Athletic Courts	The court slab shall have a slope not exceeding two percent (2%) and shall be constructed of concrete. A basketball court must be a minimum of fifty feet by forty feet, with two metal goals, nets, backboards, and poles at each end. A tennis court must be a minimum of sixty feet by one hundred twenty feet, with net and metal posts. If the park dedication requirement exceeds 5.0 acres, then an additional .75 acre credit may be awarded for a second athletic court.	.75
Open Play Areas	An Open Play Area shall include a minimum area of 20,000 square feet. The areas shall be unobstructed by trees, shrubs, or utilities, with a slope not to exceed five percent (5%). Common Bermuda grass shall be established in these areas. one-third of an acre is the minimum parkland area required for an Open Play Area. Maximum of one open play area for every five acres of parkland dedication.	1.00
Swimming pool	Minimum 500 square feet water surface, with adjacent deck and lawn areas. A maximum of 1.5 acres credit may be awarded. A swimming pool may not count towards more than 50% of the parkland dedication requirement.	0.3 acres per 500 square feet of surface area
Recreation center building	The building shall be in habitable condition and shall have a minimum 1,000 square feet of gross floor area. The covenants and restrictions of the homeowner's association shall restrict the building for use as a recreational and/or meeting area for use by all residents of the subdivision. Architectural design shall conform to the restrictive covenants recorded for the subdivision. Credit shall be awarded for only one building. A recreation building may not count towards more than 50% of the parkland dedication requirement.	.50 for 1,000 – 1,500 square feet; 1.00 for over 1,500 square feet.

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Recreation community gardening	Community gardens shall have a minimum area of 10,000 square feet with a slope not exceeding two percent (2%). Maximum of one community garden for every five acres of parkland dedication requirement.	0.25
Jogging or walking trails	Trails shall have a minimum length of one-quarter mile. Trails shall be constructed of crushed granite, concrete, or asphalt, with a minimum thickness of four inches, a minimum width of 8 feet, and shall be sloped to drain. A maximum of 2.25 acres credit may be awarded for trails.	1.50 for first .25 mile length; .75 for an additional .25 length

- (3) Specifications for playgrounds as set forth in Table 503-4 shall conform to the following minimum requirements:
- A. Playground is to be of commercial standards. The parks and recreation department will provide a list of potential vendors.
 - B. The playground area shall have a slope not exceeding two percent (2%).
 - C. Playgrounds are to include equipment for two distinct play abilities and may be located in the same or in separate areas,
 - i. one area designed for ages 2 – 5 years old with a minimum of six activities, and a
 - ii. second area designed for ages 5 – 12 years old with a minimum of twelve activities.
 - D. Playgrounds must meet all federal, state, and ~~l~~ocal regulations and guidelines and be compliant with the Americans with Disabilities Act, as well as guidelines set up by CPAC and NPSI.
 - E. The following items shall be provided: at least two park benches, one trash receptacle, and an open shelter.
 - F. Playground equipment shall be located no closer than twenty-five (25) feet from a park boundary.

48 +++++
(Edit)

35-504 Stormwater Management

(b) Stormwater Management Program

(1) Regional stormwater Management Program (RSWMP).

- D. The stormwater development fee in lieu of on site detention must be paid prior to a plat being released for recordation by the city of San Antonio or the issuance of a building permit. The fee shall be determined in accordance with the provisions of Appendix C of this code "35-C109 Stormwater Management Fees".

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(c) Method of Computing Runoff

* * * *

(9) Manning's Roughness Coefficient.

Manning's roughness coefficients ("n" values) for use in routing methods or in hydraulic calculations shall be consistent with the values listed in Table 504-6

**Table 504-6
Manning's Roughness Coefficient**

Channel Description	Manning's "n" Value
Concrete Lined Channel	0.015
Grass Lined Channel with regular maintenance	0.035
Grass Lined Channel without recent maintenance	0.050
Vegetated Channel with trees, little or no underbrush	0.055
Natural Channel with trees, moderate underbrush	0.075
Natural Channel with trees, dense underbrush	0.090
Natural Channel with dense trees and dense underbrush	0.100

Overbank Description	Manning's "n" Value
Pasture	0.035-0.055
Trees, little or no underbrush, scattered structures	0.060-0.075
Dense vegetation, multiple fences and structures	0.075-0.090

The N value to be used in Manning's Formula shall conform to the following for design purposes:

- A. Earth channels--0.035
- B. Concrete lined channels--0.015
- C. Reinforced concrete pipe--0.013
- D. Concrete box culverts--0.013
- E. Corrugated metal pipe:
 - ~~F.i.~~ Unpaved 1/2" corrugated--0.024
 - ~~G.ii.~~ Unpaved 1" corrugated--0.027

Any other N value shall be based on generally accepted engineering principles.

49 ++++++
(Sam Dent)

35-506 Transportation and Street Design

(a) Applicability

* * * *

(2) Building Permit Requirements.

The construction of standard curbs and sidewalks shall be a condition of the granting of a building permit in each of the following cases:

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- A. A new building or structure when curbing is in place or curb lines are established for a sidewalk. (A curb line is defined when there are curbs at both ends of the streets and/or when there is a sharp end of pavement (less than 2% deviation of the edge of pavement width)).
- B. The repair or improvement of an existing building or structure when curbing is in place or curb lines are established and the cost of the repair or improvement amounts to twenty-five (25) percent or more of the assessed evaluation of the building/structure as set forth by the city tax roll for the entire lot.
-

* * * *

50 ++++++
(Richard Chamberlin, City Attorney)

35-506 Transportation and Street Design

(d) Cross-Section and Construction Standards

(1) ~~Interior~~ Streets.

Table 506-3 and 506-4 provides the standards for all existing and future streets.
The subdivider shall dedicate all interior streets within the subdivision plat, and shall provide dedication for exterior streets based upon the following tables:

Table 506-3

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Conventional Street Design Standards Street Type	Marginal Access	Alley	Access to Conservation Subdivision	Local Type A	Local Type B	Collector	Secondary Arterial ¹	Primary Arterial ²
R.O.W. (min.) ^{8,11}	36'	24'	36' 34'	50'	60'	70'	86'	120' ¹²
Pavement Width ⁸	26'	18-24'	24' ⁷	28'	40'	44'	48'	72-48'
Grade (max.) ³	12%	12%	12%	12%	12%	7%	5%	5%
Grade (min.) ⁴	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
"K" Crest Curve	30	NR	30	30	30	55	70	70
"K" Sag Curve	35	NR	35	35	35	55	60	60
Centerline Radius (min.)	100'	50'	100'	100'	100'	400'	700'	1,200'
Stopping Sight Distance	75'	75'	75'	110'	150'	200'	300'	300'
Curb	No	No	No	Yes	Yes	Yes	Yes	Yes
Median	NR	NR	NR	NR	NR	NR	14' min.	14' min.
Sidewalk Width (see subsection (q)(5))	NR	No	4/6 ¹⁰ one Side only	4' ⁹	4' ⁹ /6 ¹⁰	4' ⁹ /6 ¹⁰	4' ⁹ /6 ¹⁰	4' ⁹ /6 ¹⁰
Bike Facilities ⁶	NR	NR	NR	NR	NR	city Option ⁵	Yes Path ⁵	Yes Path ⁵
Streetscape Planting	NR	No	NR	NR	NR	Yes	Yes	Yes
Planting Strips	NR	NR	NR	NR	2' Min.	2' Min.	2' Min	2' Min.

Notes and Rules of Interpretation:

NR designates the item is « not required »

Table 506-3 is required for conventional option subdivisions (see § 35-202) or subdivisions not subject to Table 506-4, below), except for (access to conservation subdivision) which apply only to conservation subdivisions (§ 35-203).

* * * *

¹¹ R.O.W. width and construction design of State maintained streets and certain inner-city streets and certain primary arterials (approved by City Council ordinance) pertaining to R.O.W. dedication and design standards within the CRAG area boundary shall take precedence over the standard UDC street R.O.W. and design provisions outlined in Table 506-3 above.

¹² 120 feet is the minimum right of way width but may be varied in accordance with the adopted Major Thoroughfare Plan.

* * * *

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**Table 506-4
Traditional street Design Standards
Table 506-4
Traditional street Design Standards**

Street Type	Trail	Alley	Lane	Local	Avenue	Main street	Boulevard	Parkway
R.O.W. (min.)	14'	20'	38'	48'	82'	58'	124'	86'
Pavement Width ¹	8'-14'	10'-12'	16'-18'	22'-27'	27'-48'	28'-36'	44'-70'	44'+
Grade (max.)	10%	10%	10%	10%	7%	7%	7%	5%
Grade (min.) ⁴	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
"K" Crest Curve	NR	NR	30	30	55	55	55	70
"K" Sag Curve	NR	NR	35	35	55	55	55	60
Curb Radius	N/A	15'	15'	15'	25'	45' 25'	25'	25'
Centerline Radius ²	95'	50'	90'	90'	250'	600' 300'	500'	1,000'
Stopping Sight Distance	75'	75'	110	110'	150'	NA 200'	300'	300'
Intersection site distance	45'	45'	45'	25'	75'	NA	150'	150'
Curb	No	No	Yes	Yes	Yes	Yes	Yes	No
Median	N/A	N/A	N/A	N/A	14' min.	N/A	14' min.	14' min.
Sidewalk Width (see subsection (q)(5))	N/A	No	4' / 6'	4' / 6'	Min. 4' / 6'	4' / 6'	4' / 6'	4' / 6'
Bike Facilities ^{3, 6}	N/A	N/A	No	No	Yes Path City Option	city Option	Yes Path City Option	Yes Path
Streetscape Planting	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Planting Strips	N/A	N/A	6'	6'	6'	City Option	6-11'	7-20'

Notes and Rules of Interpretation:

NR designates the item is « not required »

R.O.W. width and construction design of State maintained streets and certain inner-city streets and certain primary arterials (approved by City Council ordinance) pertaining to R.O.W. dedication and design standards within the CRAG area boundary shall take precedence over the standard UDC street R.O.W. and design provisions outlined in Table 506-4 above.

* * * *

Table 506-4A

**INITIAL DRAFT 2006
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Street Width options for Traditional ~~S~~Street Design Standards**

* * * *

Notes and Rules of Interpretation:
Rules of interpretation for Table 506-4A:

R.O.W. width and construction design of State maintained streets and certain inner-city streets and certain primary arterials (approved by City Council ordinance) pertaining to R.O.W. dedication and design standards within the CRAG area boundary shall take precedence over the standard UDC street R.O.W. and design provisions outlined in Table 506-4A above.

~~S~~Column A (street Width) refers to the width of the street from curb face to curb face.

~~S~~Column B (Parking) indicates whether on-street parking is permitted, whether on both sides or only one side of the street.

* * * *

51 ++++++
(Richard Chamberlin)

35-506 Transportation and Street Design

(d) Cross-Section and Construction Standards

* * * *

Table 506-4B

* * * *

Notes:

- (1) Intersections with interior angles greater than 120 degrees or less than 60 degrees not permitted.
- (2) Property Line Return may be simple curve tangent to right-of-way lines or cut-off measured from PI of intersecting right-of-way lines.
- (3) Street intersections with arterial streets may require additional turn lanes and/or turning islands, resulting in CR and PLR values that would be customized for the intersection design.
- (4) Major Thoroughfare plan streets shall intersect at continuous centerline extensions and not offset from each other.
- (5) For intersection combinations not listed above, the column with the larger roadway classification applies.

* * * *

52 ++++++
(Richard Chamberlin, Abel Flores)

35-506 Transportation and Street Design

(d) Cross-Section and Construction Standards

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* * * *

(6) Cul-de-sac Streets.

The following criteria shall be used for cul-de-sac street design and fire hydrant layout as required by the International Fire Code:

- A. For cul-de-sac streets ~~less than or equal to 500 feet in total length~~, the following is required:
1. Turnaround right-of-way shall be not less than one hundred ~~sixteen~~ (100) 116 feet in diameter in residential areas and not less than one hundred fifty (150) feet in diameter in commercial and industrial areas.
 2. Turnaround shall include ~~at least twenty-five (25) feet of paved driving surface with~~ a minimum exterior paved driving surface radius of forty ~~eight~~ (40) 48 feet for residential areas and sixty (60) feet for commercial and industrial areas.
 3. The interior of the turnaround may be landscaped or paved for residential areas. A maximum radius of fifteen (15) feet will be allowed for landscaping purposes. The entire interior of the turnaround must be paved with no island for commercial and industrial areas.
 4. The cul-de-sac length, layout and topography will not impede safe access and egress by emergency vehicles including fire trucks and emergency medical services.
- ~~B. For cul-de-sac streets in residential subdivisions greater than 500 feet and less than or equal to 1000 feet in total length, the following is required:~~
- ~~1. Pavement width for the entire length of the cul-de-sac street shall be a minimum of 30 feet, regardless of the type of residential subdivision.~~
 - ~~2. Turnaround right-of-way shall be not less than one hundred twenty (120) feet in diameter.~~
 - ~~3. Turnaround roadway shall have a minimum exterior radius of fifty (50) feet.~~
- ~~C. In the "C", "RE", and "R-20", zoning districts cul-de-sac streets over one thousand (1000) feet in length may be permitted subject to approval by the director of development services after consultation with the fire chief or his designee. No such approval shall be granted unless the director of development services finds the following:~~
- ~~1. The cul-de-sac length, layout and topography will not impede safe access and egress by emergency vehicles including fire trucks and emergency medical services~~

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~~2. A longer cul-de-sac street is needed because of unique topographical conditions such as steep slopes, wetlands, streams, or similar conditions and an alternative design would not more effectively accommodate said conditions.~~

* * * *

53 ++++++
(Richard Chamberlin)

35-506 Transportation and Street Design

(d) Cross-Section and Construction Standards

(9) Substandard Existing Streets.

A. Where subdivisions within the city limits are adjacent to existing streets and right-of-way widths of those existing streets are less than the minimum right-of-way widths as set out in this chapter for all streets, no building permits shall be granted until the right-of-way widths have been dedicated to the minimum widths required by this chapter abutting the development. In addition, subdivisions of land within the City Limits shall require sidewalk and may require curb, and pavement improvements in accordance with article 5 and ADA guidelines at platting. Substandard existing streets located in the ETJ shall be upgraded to minimum standards as set forth in the code and in connection with plat approval. The provisions of this subsection shall not apply within the Infill development zone "IDZ". Curb, sidewalk and pavement improvements adjacent to the development for multi-family and commercial developments shall be provided on sub-standard width existing streets at the time of building permit. In cases where an existing fence and landscaping is present, the director of development services shall require dedication of the additional right-of-way but may allow existing landscaping and fences to remain until such time as the right-of-way width is needed for infrastructure improvement. The director shall evaluate the condition of the existing fencing and the character of the landscaping and may direct additional reconstruction of the fence or new plantings. In such cases the landscaping required by the director shall not be greater than that required by this chapter for new projects.

B. Where subdivisions are adjacent to platted right-of-ways and no street exists, (paper streets) no building permit shall be granted until one-half of the road is constructed along the frontage of the proposed development.

54 ++++++
(Gene Dawson, Richard Chamberlin)

35-506 Transportation and Street Design

(e) Connectivity

* * * *

(2) Projecting Streets.

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Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the projection of streets into such unsubdivided areas. Parcels shall be arranged to allow the opening of future streets and logical further subdivision. Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets and in alignment therewith. Where streets change design in alignment and width, the applicant shall provide transition sufficient to ensure safe and efficient traffic flow. This section is not intended to require Local designated streets to ~~project into;~~

A. ~~project into~~ floodplains, bluffs or other natural features or existing development that has not made accommodations for connection.

B. ~~project out of a planned unit development (PUD) with private streets.~~

C. ~~project out of a subdivision with fewer than 125-single family lots.~~

If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets and logical further subdivision.

* * * *

(5) **Dead-end-Streets.**

Dead-end streets shall be prohibited except as short stubs to permit future expansion. A "short stub" is defined as being the average depth of the adjacent lot(s) within the subdivision. Stub outs greater than one lot in depth may be allowed with the dedication of a turnaround easement. For adjacent lots greater than one-half acre, a stub street may require a turnaround easement.

* * * *

(7) **Secondary Access.**

At least one access point into a single-family residential subdivision shall be provided for every 2,640 feet (1/2 mile) of frontage. Where a single-family residential subdivision exceeds ~~one hundred~~ one hundred twenty five (125) units, a secondary access will be required. The secondary access shall meet the same requirements as the primary access (an entry for emergency purposes only shall not be allowed in place of a secondary access.)

55 ++++++
(Gene Dawson, Elizabeth Carol, Bill Telford)

35-506 Transportation and Street Design

(g) **Dedication of Arterial**

* * * *

(4) **Arterial Streets**

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Where a primary or secondary arterial street, as shown on the Major Thoroughfare Plan, traverses or is contiguous with an area being platted, such primary or secondary arterial street shall be platted in the location and of the width indicated by the requirements of the Major Thoroughfare Plan and these regulations. In no event shall an area be platted so as to leave a ~~narrow~~ strip of land less than 270 feet deep off the street R.O.W. which is unsuitable as a building site, unmarketable, or is undevelopable (as these terms are commonly known) and which is excluded from plating for the purpose of circumventing these requirements.

* * * *

(5) Marginal Access Streets

Marginal access streets should be located parallel to and adjacent to an arterial street. Marginal access streets, if not required by the provisions of 35-506, may be constructed at the option of the developer but shall not relieve the developer from the obligation to construct their projects proportional share of major thoroughfares (arterials/collectors) as designated by the Major Thoroughfare Plan.

56 ++++++
(Richard Chamberlin)

35-506 Transportation and Street Design

(i) Street Lights

- (1) Streetlights shall be provided in all subdivisions within the city. Streetlights are not required in the ETJ. However, if proposed by the applicant, all installation, operational and maintenance cost shall be borne by the developer. Streetlights shall be installed by City Public Service Energy at all public street intersections with other public streets, at the end of cul-de-sacs longer than 200-feet, crosswalks, at safety lane intersections with public streets, midblock areas placed such that streetlights are a minimum of 300-feet apart for residential streets with houses fronting, or service areas as determined by city policies.

57 ++++++
(Richard Chamberlin)

35-506 Transportation and Street Design

(o) Wheelchair Ramps

* * * *

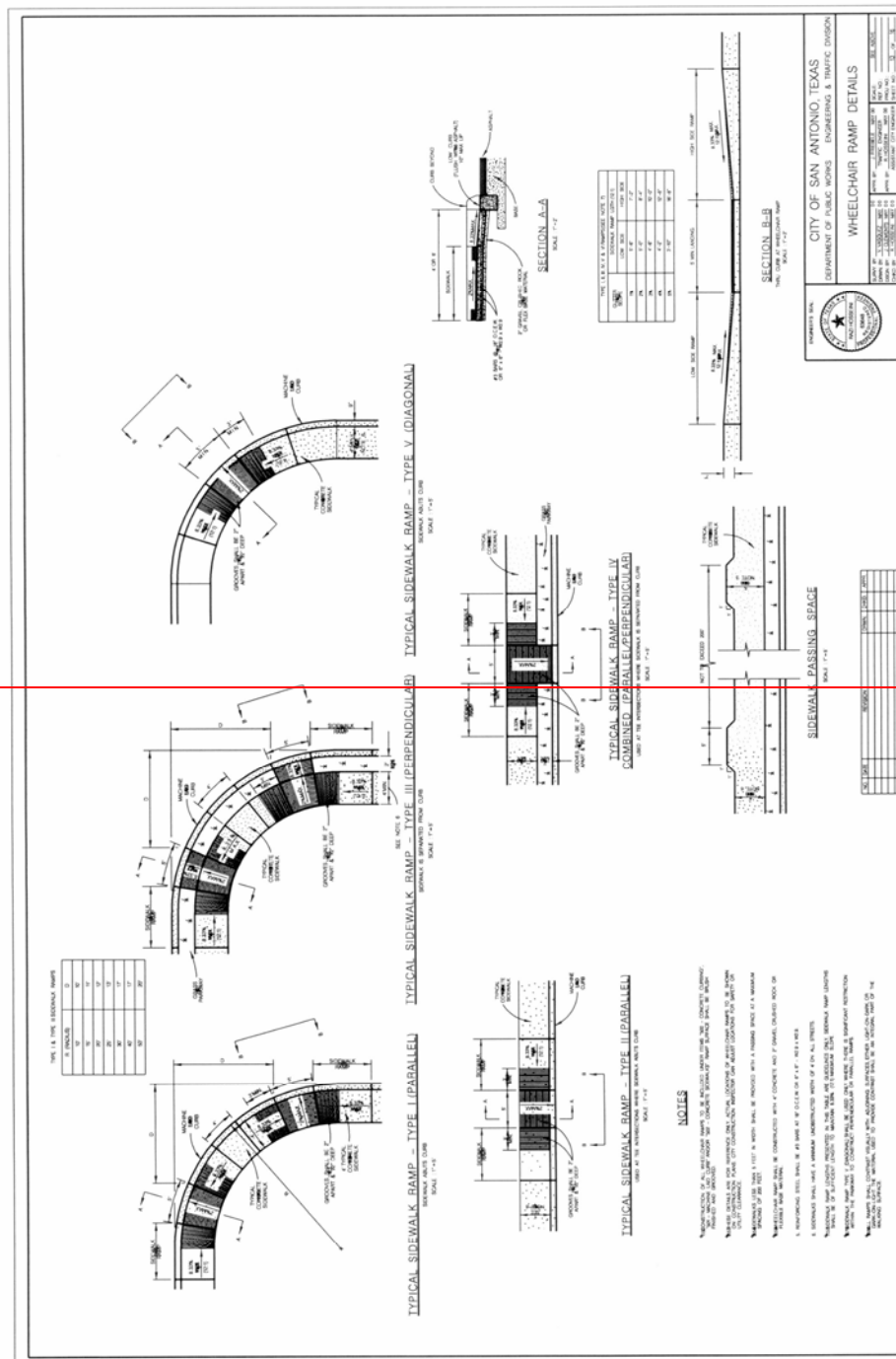
(2) Design Standards.

Any construction, reconstruction or other improvements addressed in this chapter shall conform as a minimum to the Americans with Disabilities Act and any rules and regulations relating thereto (see § 35-501(d)). The plat or site plan shall

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show infrastructure construction, reconstruction, repair or regarding and details of curb cut and wheelchair ramps. The location of the curb-cut opening and ramp must be coordinated with respect to the pedestrian crosswalk lines. This planning must ensure that the ramp openings at a fully depressed curb shall be situated within the parallel boundaries of the crosswalk markings. Ramps for persons with disabilities are not limited to intersections and marked crosswalks, and ramps shall also be provided at other appropriate or designated points where there is a concentration of pedestrian traffic, such as loading islands, midblock pedestrian crossings, and locations where pedestrians could not otherwise recognize the proper place to cross the street. Because non-intersection pedestrian crossings are generally unexpected by the motorist, warning signs shall be installed and parking shall be prohibited. Ramps for persons with disabilities shall have a textured nonskid surface for the user which also warns a sight-impaired person of the presence of the ramp. Wheelchair ramps shall be designed and constructed in accordance with the details in ~~Figure 506-8~~ [the City of San Antonio "Handbook for Flatwork Construction"](#), below except for wheelchair ramps located in the ETJ where the Bexar county engineer has approval authority.

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~~Figure 506-8~~

58 +++++
(Richard Chamberlin)

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(p) Pavement Structure

(7) Minimum Layer Thickness (Compacted).

F. Right and left turn lanes constructed on existing roads shall be constructed with twelve (12) inches of asphalt treated base and two (2) inches of Type D asphalt.

(8) Curb and Gutter

Concrete curbs or monolithic curbs and gutters constructed in accordance with the ~~details shown on Figure 506-9~~ City of San Antonio standard details shall be provided where indicated on the typical cross sections provided in Subsection (d) of this section.

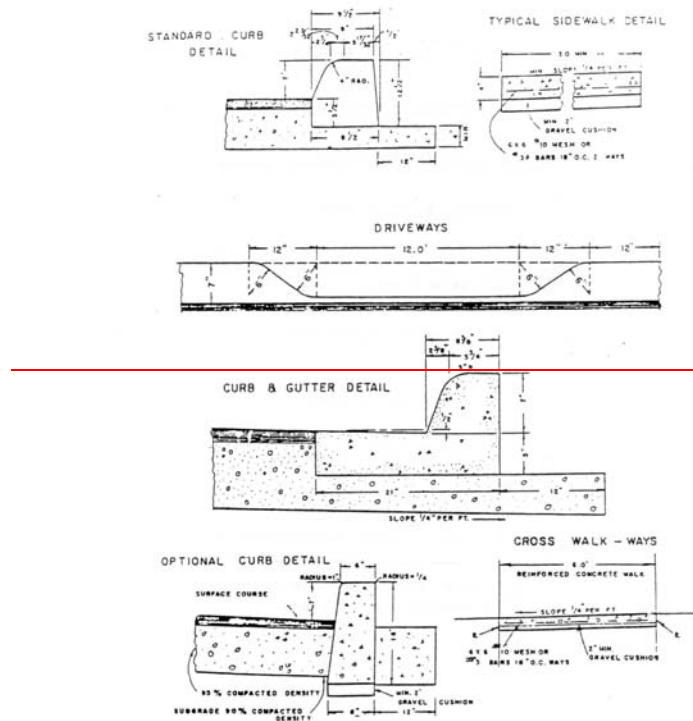


Figure 506-9

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59 +++++
(Richard Chamberlin)

35-506 Transportation and Street Design

(q) Sidewalk Standards

* * * *

(5) Width.

Except as otherwise specified in Americans with Disabilities Act (ADA) (see § 35-501(e) herein), sidewalks shall have a minimum unobstructed width as follows:

- A. Within the city Limits the minimum width of sidewalks adjoining a planting strip shall be four (4) feet and the minimum width of sidewalks adjoining the curb shall be six (6) feet for Local Type B, collectors and arterial streets and four (4) feet for Local Type A streets. In the ETJ, [for Local Type A streets](#), sidewalks shall adjoin the curb and shall be ~~six (6) feet in width for Local Type B, collector and arterial streets and~~ four (4) feet in width ~~for local Type A streets~~.

60 +++++
(Richard Chamberlin)

35-506 Transportation and Street Design

(r) Access and Driveways

* * * *

(2) Single-Family Residential Subdivisions

* * * *

(C). Collector sections are required for a minimum of 40-feet off of an arterial to prevent construction of residential driveways closer than 40-feet from the arterial's end of property line return, or if a Local "B" section is designed, a residential lot shall not side the arterial for a minimum of 40-feet.

* * * *

(6) Driveway Throat or Vehicle Storage Length.

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For purposes of this subsection, "throat length" means the length of extending from the entry into the site at the property line, to the first left-turn conflict or intersection with a parking aisle. Vehicle storage length means the length of a driveway, service lane, bay, or other passageway for motor vehicles which is designed to minimize queuing onto surrounding streets. Throat length shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. Throat length and vehicle storage length shall not be less than the standards set forth in Table 506-7 unless approved by the director of development services. These measures generally are acceptable for the principle access to a property and are not intended for secondary, minor driveways such as residential driveways serving less than 4 homes, or a commercial/industrial driveway with less than 400 ADT, or 40 average peak hour volume of vehicles, not located on a major roadway or thoroughfare. The throat length may be reduced by the director of development services.

(7) Spacing and Location on Major Thoroughfares.

This subsection applies to driveway approach spacing and location along major thoroughfares.

- A. Where a traffic impact analysis is required, driveways shall be spaced in such a manner as to avoid reducing the traffic LOS below that established in the Section 35-502 traffic impact analysis. A subdivision of land into two or more lots fronting a thoroughfare may not automatically increase the number of driveway approaches allowed over those allowed prior to the subdivision.
- B. Along either side of any corner commercial or industrial property the driveway approaches shall be located so as to maintain a minimum distance from the corner of the intersecting roadways equal to 90 percent of the length of the property along the roadway upon which the proposed driveway approach is to be located, or 125 feet, whichever distance is less. Corner clearance is measured along the property-line from the property-line return or flare. The corner clearance may be reduced by the director of development services to allow a driveway for development where a driveway may not otherwise be allowed.

* * * *

(9) Parking Approaches.

For minor driveways, p Parking aisles shall be located a minimum of twenty (20) feet from the intersection of the driveway approach and the thoroughfare property line.

(10) Driveway Approaches.

Driveway approach materials shall may be asphalt, concrete, or other materials as approved by the director of development services.

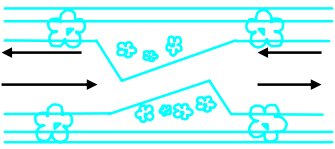

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61 ++++++
(Richard Chamberlin)


35-506 Transportation and Street Design

(t) Traffic Calming

* * * *

<p style="text-align: center;">Table 506-8 APPROVED TRAFFIC CONTROL DEVICES & DESCRIPTION</p>	
<p>Neckdowns/ Flares / street Narrowing / Intersection Throating. Neckdowns are curb extensions at intersections that reduce roadway width curb to curb. They are sometimes called slow points, nubs, bulbouts, knuckles, or intersection narrowing. These traffic control measures reduce the width of a section of roadway in a gradual manner. They shorten crossing distances for pedestrians and drawing attention to pedestrians via raised peninsulas. By tightening curb radii at the corner, the pedestrian crossing distance is reduced and the speeds of turning vehicles are reduced. The effect of this measure is to reduce speed and discourage non-Local traffic. Motorists react to this measure with slower speed because of a concern of a limited travel path.</p>	
<p>Roundabouts / Traffic Circles. are raised circular structures constructed at a three-way or four-way intersection. Its objectives are to slow speeding and reduce the number and severity of vehicular accidents. This measure is most suitable for wide intersections and may accommodate all size vehicles by applying appropriate engineering designs.</p>	
<p>Speed Humps are raised pavement features constructed across the width of the street. The speed hump shall be 3 inches high and 12 feet in length from the leading edge to the trailing edge. This feature discourages motorists from speeding and encourages them to obey the posted speed limit. When speed humps are constructed, advisory signs shall be installed to notify motorists of the speed hump and an appropriate advisory travel speed.</p>	

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Table 506-8 APPROVED TRAFFIC CONTROL DEVICES & DESCRIPTION	
<p>Median Islands are raised circular landscaped areas located within non-intersection, midblock locations. Median islands channelize traffic and separate opposing flows. T Traffic must slow down to maneuver around a median island. Median islands offer landscaping opportunities and maintenance responsibility. Median islands can be used to protect existing trees. See Figure 506-12</p>	

62 ++++++
(City Attorney, John Jacks)

35-510 Buffers

(a) Applicability

* * * *

(2) Exemptions.

This section shall not apply to the following situations:

- A. Residential uses adjoining residential uses within any residential zoning district.
- B. Agricultural uses.
- C. Non-residential uses adjoining other non-residential uses of the same zoning district ~~classification~~.
- D. The reconstruction of an existing building of which fifty (50) percent or less of the floor area was destroyed or ruined by flooding, fire, windstorm or act of God. This exemption shall apply only where reconstruction of that building will not result in an increase in building size or paving area of the parking facilities to be provided.
- E. Interior finish work or remodeling in a portion of a building unless the work results in an increase in the paving area of the parking facilities within the street yard or in an enlargement of the exterior dimensions of an existing building.
- F. Any use, building or structure for which only a change of use is requested, and which use does not increase the existing building square footage.
- G. Single-family dwellings located on an existing lot of record.

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- H. Contiguous commercial parcels or land areas under Common Ownership.

Commentary: subsection H addresses situations where a parcel is rezoned with several different zoning ~~districts~~ classifications, and one of the ~~districts~~ classifications acts as a "buffer" for the other. For example, a landowner rezones part of a parcel to "L", with a strip adjoining a residential area zoned "O-1." A Type "E" buffer is normally required between the "L" and "O-1" districts. No buffer is required between the portion of the parcel zoned "L" and "O-1" internal to the property in this situation.

* * * *

(e) Location of Buffer Yard

- (1) A buffer yard required by this section shall be provided along the side lot line of abutting uses.
- (2) Buffer yards are not required along the front property line.
- ~~(3) — At the rear property line of adjoining uses for which a buffer type A, B, or C is required in Table 510-1, the applicant may elect to provide a solid fence at least six (6) feet in height in lieu of the buffer yard.~~

* * * *

63 ++++++
(Debbie Reid)

35-511 Landscaping

(a) Applicability

(1) Generally.

This section shall apply to any of the following, except where exempted pursuant to Subsection (2), below.

- A. The construction or erection of any new building or structure for which a building permit is required.
- B. Any enlargement exceeding one thousand (1,000) square feet or ten (10) percent in area, ~~whichever is greater~~, of the exterior dimensions of an existing building for which a building permit is required.
- C. Any construction of a new parking lot or expansion of an existing parking lot within the street yard by more than two thousand (2,000) square feet or ten (10) percent in area ~~whichever is greater~~. Parking lots in residential zoning districts shall be subject to the requirements of Subsection (e) of this section.

(2) Expansion.

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When a building or parking lot is enlarged, the requirements of this section shall be applied incrementally such that landscaping shall be required in the same proportion that the enlarged building area or off-street parking area has to the existing development. For example, a ten percent (10%) increase requires ten percent (10%) of the required landscaping.

(3) Exemptions.

This section shall not apply to the following situations:

- A. Single family, duplex or four-plex ~~R~~ residential uses located within a residential zoning district.
- B. Agricultural uses

* * * *

(c) Mandatory Criteria

* * * *

(6) Irrigation.

- Landscaped areas shall be irrigated with a system that is suitable for the type of plantings installed. An irrigation system will be required on projects when any one of the following are used to meet the requirements of this chapter:

- A. an area greater than 2,000 sq ft of new landscape or;
- B. more than 10 trees will be installed or;
- C. projects which exceed 4,300 square feet of impervious surface.

- If ~~In lieu of an irrigation system is not required as above,~~ a hose bib must be installed within 100 feet of the newly installed plant material.

* * * *

(7) Parking Lot Shading.

* * * *

- B. Calculation of Shaded Area

* * * *

Newly planted trees planted adjacent to a parking lot within 12 feet of any edge of a parking lot shall be calculated at 50% of the shade coverage shown in Appendix "E", under "shade area." An example calculation is as shown:

The parking area is 10,000 sq ft; therefore 2,500 sq ft of shade is required. If Cedar elm trees are used at a value of 875 sq ft of shade per tree; 2.9 or 3 trees are required to be planted

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* * * *

(e) Elective Criteria

(1) Generally.

In addition to the mandatory requirements, landscape plans shall earn a minimum of seventy (70) points awarded for elective requirements. As an exception to this requirement, landscape plans for commercial projects which do not include off-street parking within the street yard shall earn a minimum of twenty-five (25) points and those in a designated "gateway corridor" will require eighty (80) points.

* * * *

64 ++++++
(Debbie Reid)

35-512 Streetscape Planting Standards

(a) Applicability

(1) Generally - Interior and Exterior Streets

In addition to developments subject to the landscaping standards, above, the following shall be subject to the streetscape planting Standards as provided herein:

- A. all developments with five (5) or more parking spaces; and
- B. all developments requiring subdivision review.

Streetscape planting standards shall not apply to any street classification unless street Trees are required by the street improvement standards, § 35-506(d), above. In addition, the streetscape requirement is a similar improvement as sidewalks and therefore such an improvement shall not create a major plat from a minor plat.

65 ++++++
(City Attorney)

35-515 Lot Layout Regulations

(c) Lots

* * * *

(4) Frontage.

All lots shall front on a public or private street and shall have a minimum frontage width as indicated in § 35-310. On irregular shaped lots, a minimum street frontage of fifteen (15) feet shall be required. Residential lots shall not front on a collector street, arterial street, or parkway. An "irregular shaped lot" includes any

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lot located on a cul-de-sac or adjoining a curved section of a roadway with a centerline radius of less than two hundred (200) feet.

(5) Access

Vehicular access must be by public street and shall not utilize any property that is residentially zoned. However, pedestrian access may be provided by means of a dedicated easement or access way to promote pedestrian circulation on residentially zoned property and/or by means of a public or private street.

(65) Prohibition against creating landlocked conditions

Plat applicants shall ensure that there is no abutting landlock conditions created by the proposed plat.

66 ++++++
(Richard Chamberlin)

35-515 Lot Layout Regulations

(h) Flag Lots

* * * *

- (24)** The minimum driveway width shall be ~~nine~~-ten (910) feet.
- (32)** Notwithstanding the provisions above, access to not more than four (4) lots may be provided by a shared driveway.
- (43)** The minimum frontage at the right-of-way line for any flag lot shall be equal to the minimum required driveway width plus 4 feet. The flagpole portion of the lot shall not be considered in determining the area of the lot.
- (54)** On flag lots the maximum front setback line shall be measured from the nearest point at which the lot meets the minimum width (as required in Table 35-310-1) parallel to the street on which the lot fronts.

67 ++++++
(City Attorney)

35-521 Edwards Aquifer Recharge Protection

See Chapter 34, Article VI, Division 6 of the City Code.

* * * *

(d) Zoning District Classification

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- (1) Overlay District. The Edwards Recharge Zone Overlay District is designated as an overlay to ~~all the regular~~ zoning ~~districts classifications~~. Property located within this overlay district must also be designated as being within one of the regular zoning ~~districts classifications~~. Authorized uses must be permitted in both the ~~base regular~~ zoning ~~district classification~~ and the overlay district.

- (2) Zoning Designation. The zoning designation of property located within the Edwards Recharge Zone Overlay District shall consist of the regular zone symbol and the overlay district symbol as a suffix. For example, if a parcel is zoned "MF-33" and is also located within the Edwards Recharge Zone Overlay District, the zoning designation of the property would be "MF-33"(ERZD). In effect, the designation of property as being within the Edwards Recharge Zone Overlay District places such property in a new zoning district-classification and all procedures and requirements for zoning and rezoning must be followed.

68 ++++++
(GSBA & SA Real Estate Council)

35-523 Tree Preservation

(a) Applicability

* * * *

(4) Trees Exempt.

This division shall not apply to:

* * * *

F. Trees located within the playing field and a distance of 20 feet surrounding the athletic field of a public school. An athletic field for the purpose of this exemption shall apply to a practice field or game field for an organized sport such as baseball, football, soccer, lacrosse, etc but exclusive of open space designed for general play areas.

* * * *

69 ++++++
(Debbie Reid)

35-523 Tree Preservation

(c) Violation, Enforcement and Penalties

The provisions of this section shall be enforced as provided in Article 4, Section 35-493 of this chapter.

(1) Tree Recovery Provision

If property is clear-cut by one of the following:

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- [vested](#)
- [completed construction of residential dwellings \(Section 35-523\(a\)\(4\)\).](#)
- [agricultural exemption](#)

[and is subsequently, rezoned or change of use, receive public funding after clear cutting, existing resident\(s\) are demolished and subdivided for new development\(s\) or developed within 5 years – no permit is to be issued for 5 years until a reforestation plan with a completion date of not more than 3 years is submitted and approved so that there will be provided a 40% shading \(at maturity\) utilizing the shade value in Appendix E.](#)

70 ++++++
(SA Real Estate Council, (GSABA))

35-523 Tree Preservation

(d) Protected Tree Designations

The significant or heritage tree designations establish a threshold trunk size, measured in [diameter at breast height \(“DBH”\)](#), for various tree species for purposes of applying the requirements of this ordinance. A significant or heritage tree is defined by DBH as set forth below. Significant trees of less than six (6) inches may be omitted from the tree survey and preserved or mitigated based on a numerical count. [A significant multi-trunk tree shall have at least one single trunk with a DBH greater than 6 inches.](#)

(1) Significant Trees.

A significant tree means a tree of six (6) inches or greater DBH for all tree species except for the following species where a significant tree means a tree with two (2) inches or greater DBH (Persimmon, Redbud, Mountain Laurel, Condalia, Possum Haw (in floodplain only), Crabapple (in floodplain only))

(2) Heritage Trees.

A Heritage tree means a tree of twenty-four (24) inches or greater DBH for all tree species except for the following species where a heritage tree means a tree with [at least one trunk ~~eight \(8\)~~ twelve \(12\)](#) inches or greater DBH (Persimmon, Redbud, Mountain Laurel, Condalia, Possum Haw (in floodplain only), crabapple (in floodplain only))

(3) Non-Protected Trees

[A. The following trees are considered undesirable and are exempt from required preservation \(Chinese Pistache, Chinaberry, Chinese Tallow, Tree of Heaven, Salt Cedar, Ashe Juniper \(Cedar\), Cottonwood, Sycamore, Persimmon, Mulberry, Hackberry, Mesquite, Huisache, Arizona Ash, Silver Maple, Condalia, Privet](#)

[B. Non-protected trees may not be used for mitigation to replace protected trees.](#)

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C. Non-protected trees shall not count toward points required meet landscaping requirements.

71 ++++++
(SA Real Estate Council)

35-523 Tree Preservation

(e) Minimum Tree Preservation Requirements

(1) Generally.

* * * *

Table 523-1		
	Single-family Dwellings	Multi-family and Non-residential uses
Significant Trees	35% within each-platted lot <u>the project area</u> , excluding street right of way and easements. Plus each builder on a single family dwelling lot shall also be required to plant two, 2" caliper new trees, which trees shall generally be native, large canopy trees.	40% within the entire site excluding the street rights-of-way and easements.
Significant Trees under 6" DBH	35% within each planted lot, excluding the street right of way and easements or 35% of the number of total count of all such trees.	40% within the entire site, excluding street right of way and easements <u>whether created by subdivision plat or other recorded instrument</u> or 40% of the number of total count of all such trees.
Heritage Trees	100% within each platted lot	100% within the entire site.
100 year flood plain(s)	80% of all the trees within the flood plain, which shall not apply toward preservation requirements on the remainder of the lot.	80% of the t <u>T</u> rees within the flood plain, which shall not apply toward preservation requirements on the remainder of the site.
Mitigation Maximum	Up to 90 <u>100</u> % of Significant and Heritage trees may be mitigated rather than preserved.	Up to 90 <u>100</u> % of significant and Heritage trees may be mitigated rather than preserved.

72 ++++++
(Citizen Tree Coalition, Richard Alles)

35-523 Tree Preservation

(e) Minimum Tree Preservation Requirements

(1) Generally

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* * * *

Table 523-2		
	Single-family Dwellings	Multi-family and Nonresidential uses
Significant Trees	35 <u>30% within the entire site</u> each-platted lot, excluding street right of way and easements. Plus each builder on a single family dwelling lot shall also be required to plant two, 2" caliper new trees, which trees shall generally be native, large canopy trees.	40 <u>35%</u> within the entire site excluding the street rights-of-way and easements.
Significant Trees under 6" DBH	35 <u>30% within the entire site</u> each-planted lot, excluding the street right of way and easements or 35% <u>30%</u> of the number of total count of all such trees.	40 <u>35%</u> within the entire site, excluding street right of way and easements or 40% of the number of total count of all such trees.
Heritage Trees	100 <u>80%</u> within each-platted lot <u>the entire site</u>	100% within the entire site.
100 year flood plain(s)	80% of all the trees within the flood plain, which shall not apply toward preservation requirements on the remainder of the lot.	80% of the trees within the flood plain, which shall not apply toward preservation requirements on the remainder of the site.
Mitigation Maximum	Up to 90% of Significant and Heritage trees may be mitigated rather than preserved.	Up to 90% <u>75%</u> of Significant and 50% of Heritage trees may be mitigated rather than preserved.

73 ++++++
(Debbie Reid)

35-523 Tree Preservation

* * * *

Conflict between 2003 ordinance's preservation of understory tree species:

(a) Applicability

* * * *

(2) Activities Exempt.

The regulations in this division shall not apply to the clearing of understory necessary to perform boundary surveying of real property. ~~or to conduct tree surveys or inventories. Clearing for surveying may not exceed a width of two (2) feet for general survey (i.e. of easement boundary, etc.) and eight (8) feet for survey of property boundary lines. Except for surveys done in connection with residential development, no tree ten (10) inches or larger may be removed in any manner during such boundary or general surveying.~~

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* * * *

Table 523-2		
	Single-family Dwellings	Multi-family and Non-residential uses
Significant Trees	35% within each platted lot, excluding street right of way and easements. Plus each builder on a single family dwelling lot shall also be required to plant two, 2" caliper new trees, which trees shall generally be native, large canopy trees.	40% within the entire site excluding the street rights-of-way and easements.
Significant Trees under 6" DBH	35% within each planted lot, excluding the street right of way and easements or 35% of the number of total count of all such trees.	40% within the entire site, excluding street right of way and easements or 40% of the number of total count of all such trees.
Heritage Trees	100% within each platted lot	100% within the entire site <u>and floodplain(s).</u>
100 year flood plain(s)	80% of all the <u>significant trees and 100% of the heritage trees</u> within the flood plain. <u>Flood plain trees, which</u> shall not apply toward preservation requirements on the remainder of the lot.	80% of the <u>significant trees and 100 % of the heritage trees</u> within the flood plain. <u>Flood plain, which</u> shall not apply toward preservation requirements on the remainder of the site.
Mitigation Maximum	Up to 90% of Significant and Heritage trees may be mitigated rather than preserved.	Up to 90% of significant and Heritage trees may be mitigated rather than preserved.

* * * *

(i) Root Protection Zone**(1) Root Protection Zone.**

A root protection zone must be established around the trunk of each tree preserved or mitigation tree. For multi-family and non-residential construction the root protection zone shall be an area defined by an average radius extending outward from the trunk of the tree a distance of one (1) linear foot for each inch (DBH). A minimum of 50% of the root protection zone area shall be preserved at natural grade, with natural groundcover and the area must be left in a pervious condition unless approved alternative construction methods are used. The arborist shall establish a written set of technical criteria on which such approval shall be based. ~~. No cutting, filling, trenching, root disturbance, soil disturbance, or construction impacts shall occur closer to the trunk than one-half (1/2) the root protection zone radius. Filling shall be allowed to accomplish water conservation~~

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~~goals established by the city of San Antonio or by a public utility. Native understory vegetation within the root protection zone shall be preserved, however this requirement does not apply to root protection zone areas that have been landscaped using native, drought tolerant plants.~~ The root protection zone may be shifted and clustered as long as there is no construction closer to the trunk than one-half (1/20 the root protection zone radius). The construction of sidewalks shall be allowed in the root protection zone, as long as excavation does not exceed three (3) inches.

~~The area contained within a root protection zone required under this subsection must be left in a pervious condition after construction and development are completed unless approved alternative construction methods are used. The arborist shall establish a written set of technical criteria on which such approval shall be based. During construction activity on the site, at least six inch layer of a coarse mulch shall be placed and maintained over the root protection zone.~~ The impervious cover may encroach within the root protection zone if said encroachment is approved by the city arborist.

(2) Warranty.

In lieu of establishing root protection zone(s) as prescribed in Section 35-523 (i) or adhering to alternate construction methods as approved by the city Arborist, a developer or property owner may choose to provide a Tree Preservation Warranty for multi-family and non-residential construction only. In the event a developer or property owner chooses to provide a Tree Preservation Warranty as provided for herein the owner of the property must provide a tree preservation warranty to the city arborist, which shall obligate the then owner of the Property to replace any tree (or trees) reflected on the tree survey and which are the subject of the warranty. The term of the warranty shall be five (5) years from the date that a building permit is filed for building construction projects or five (5) five years from the date construction is commenced for infrastructure improvements related to development projects. Each tree that is covered by a tree preservation warranty must be identified on a tree survey prepared in accordance with Section 35-B123(c)(1) A and submitted with the tree preservation warranty. If any tree required to be preserved and which is the subject of a tree preservation warranty shall die during the term of the tree preservation warranty, the tree shall be replaced in accordance with the mitigation provisions of Subsection 35-523(f). All replacement trees shall be planted in accordance with the standards set forth in section 35-523(l). The city may require such owner to replace a tree (or trees) that has died at any time during the term of the tree preservation warranty, and, if such owner fails to replace the tree within 90 days of the city's written request to replace same, the city at its sole option may refuse to issue any new building permits, accept any development application, or accept any infrastructure improvements from such owner. Nothing in this subsection shall exclude any and all remedies otherwise provided by law.

The tree preservation warranty shall be filed in the records of the development services department of the city.

The seller of property subject to a tree preservation warranty shall provide a copy of the warranty and attached tree survey to prospective buyers.

(j) Tree Protection During Construction

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(1) Generally.

It is the applicant's responsibility to insure that all parts of the tree preservation plan are transferred to each appropriate person concerned with the development project.

(2) Protection Barrier.

Except for single-family residential construction, a protection barrier shall be erected at the edge of the root protection zone for all trees, understory and/or natural areas to be preserved to meet the requirements of the tree preservation, landscape and/or streetscape standards. The barrier shall be in place before any site work is initiated and maintained throughout the construction process. However, on one side of the tree the protective barrier can be erected a minimum distance of sixty (60) inches from the trunk(s) of individual significant, heritage or mitigation trees or islands of such trees and understory and maintained until construction is completed. This protective barrier may be comprised of snow fencing, vinyl construction fencing, chain link, geotextile material or other similar sturdy material. During construction, no excess soil, additional fill, equipment, liquids or construction debris shall be placed inside the protective barrier nor shall any soil be removed within the barrier. During construction activity on the site, at least six-inch layer of coarse mulch shall be placed and maintained over the root protection zone.

* * * *

(o) Public Projects

Municipal and utility entities or their designee(s) shall obtain a tree permit before any vegetation is removed or new construction activity takes place. Special attention will be given to the preservation of trees in public rights-of-way that are to help satisfy the objectives of the streetscape planting standards of this Article (§ 35-512). The city arborist shall approve an application for the reasonable removal of a protected tree in connection with construction, maintenance or repair of public facilities in or above a public street, alley, rights-of-way, easement or other public land.

(1) Generally.

A minimum of twenty-five (25) percent of all diameter inches of the significant and one-hundred (100) percent of the heritage protected trees within the project boundary/limits must be preserved. unless the project is within a floodplain where the preservation of the significant trees is increased to eighty (80) percent.

74 ++++++
(SA Real Estate Council)

35-523 Tree Preservation

(e) Minimum Tree Preservation Requirements

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* * * *

(3) Tree Stand Delineation Alternative.

~~As an alternative to a tree survey, a tree stand delineation may be~~ A heritage tree survey shall not be required if the tree stand delineation option is used to meet the preservation requirements (see submittal requirements Section 35-B125). The amount of tree area(s) required to be preserved is twenty-five (25) percent. Within the tree save area, the existing understory must be included/preserved to meet the requirements of this elective option.

75 ++++++
(Citizen Tree Coalition, Richard Alles)

35-523 Tree Preservation

(e) Minimum Tree Preservation Requirements

* * * *

(3) Tree Stand Delineation Alternative.

- (i) As an alternative to a tree survey, a tree stand delineation may be used to meet the preservation requirements (see submittal requirements Section 35-B125). The tree canopy area(s) on the site must meet the criteria set forth in Appendix A, Woodland and contain native understory vegetation. The amount of ~~tree areaa(s)~~ woodland/tree canopy area(s) required to be preserved is twenty-five (25) percent. Within the woodland/ tree canopy save area, existing understory must be included/preserved to meet the requirements of this elective option. Woodland/ tree canopy save areas must be designated on all plats within the tree stand delineation area.
- (ii) When a site has 100 acres or more of tree canopy, the applicant may use a statistical sampling method to estimate the diameter-inches of Heritage trees that will need to be mitigated. Mitigation shall be provided only by preserving additional woodland areas. Notwithstanding anything to the contrary, the City Arborist may disallow usage of statistical sampling on a project where it would yield inaccurate results.



Random sampling requirements

- Samples shall be taken by generating a grid covering the project area and measuring the diameter-inches of heritage trees within randomly selected cells.
- At least 10% of the tree canopy area on the tract shall be sampled.
- Grid cells shall be square
- Cell areas shall each be 1/100th of the tract area, except that the minimum cell area is 2 acres; e.g. a 1,000 acre tract will use ten 10-acre cells.
- Cells shall be selected randomly for sampling. The selection must be truly random and approved and supervised by the City Arborist. Only one selection is permitted.
- At least eighty percent (80%) of each cell that is sampled must be covered by tree canopy.
- If the grid does not contain enough cells with 80% tree canopy to enable sampling of 10% of the tract, the City Arborist may allow grid

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refinement sufficient to enable a 10% sample to be obtained or may disallow random sampling for the tract.

- In all cells where less than 20% of the cell is covered by tree canopy, 100% of the Heritage trees will be sampled. In addition, the canopy area of each Heritage tree shall be measured for use in subsequent calculations.

Calculation of required mitigation diameter-inches

Mitigation shall be calculated as follows:

1. Calculate the sum of diameter-inches of heritage trees from all the sampled cells.
2. To the result from step 1, add the diameter-inches of all heritage trees in non-tree canopy areas.
3. Calculate the sum of the tree canopy area in all of the sampled cells.
4. To the result from step 3, add the tree canopy area of all heritage trees in non-tree canopy areas.
5. Divide the result from step 2 by the result from step 4 to obtain the average diameter-inches of heritage trees per square foot.
6. Measure the area of tree canopy cover being removed.
7. Multiply the result from step 5 by the result from step 6 and multiply again by 3. This is the diameter-inches of required mitigation.

Mitigation shall be achieved by preserving additional tree canopy, with understory.

Calculation of additional tree canopy

The area of additional tree canopy is calculated as follows:

1. Determine which species of tree comprises the largest number of diameter-inches sampled.
2. From Appendix E, determine the height category for that species.
3. From table 523-2, determine the mitigation value for the corresponding height category.
4. Multiply the mitigation value by the diameter-inches of required mitigation. This is the area, in square feet, of additional tree canopy required for mitigation.

<u>Table 523-2</u>	
<u>Height category from Appendix E</u>	<u>Mitigation value (sq. ft./in.)</u>
<u>Small-medium</u>	<u>29.4</u>
<u>Medium</u>	<u>41.6</u>
<u>Medium large</u>	<u>52.4</u>
<u>Large & Large+</u>	<u>61.4</u>

Pro-rated calculation of additional tree canopy

If another species, with a different height category, comprises at least 20% of the diameter-inches sampled and comprises the second largest number of diameter-inches sampled, the additional tree canopy area may be calculated as follows:

1. Add the diameter-inches of the predominant species and the secondary species.
2. Divide the diameter-inches of the predominant species by the result from step 1.
3. From Appendix E, determine the height category for the predominant species.

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4. [From table 523-2, determine the mitigation value for the corresponding height category.](#)
5. [Multiply the mitigation value by the diameter-inches of required mitigation.](#)
6. [Multiply the result from step 5 by the result from step 2.](#)
7. [Repeat steps 2 through 6 for the secondary species.](#)
8. [Add the results of steps 6 and 7. This is the pro-rated area, in square feet, of additional tree canopy required for mitigation.](#)

Characteristics of mitigation areas

Areas preserved for mitigation shall include:

- [sensitive slopes, and/or](#)
- [critical wildlife habitat, and/or](#)
- [buffer areas contiguous with the 100-year flood plain, and/or](#)
- [contiguous woodland that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site, and/or](#)
- [buffer areas between dissimilar land uses and parallel to arterial and collector streets.](#)

[The preserved tree canopy area\(s\) will be a minimum of 20,000 square feet with any dimension being not less than 35 feet.](#)

76 ++++++
(Citizen Tree Coalition, Richard Alles)

35-523 Tree Preservation

(i) Root Protection Zone

(1) Root Protection Zone.

A root protection zone must be established around the trunk of each tree preserved or mitigation tree. For multi-family and non-residential construction the root protection zone shall be an area defined by ~~an average~~ radius extending outward from the trunk of the tree a distance of one (1) linear foot for each inch (DBH). A minimum of 50% of the root protection zone area shall be preserved at natural grade, with natural groundcover. [For single-family residential construction the root protection zone shall be an area defined by a radius extending outward from the trunk of the tree a distance of one-half \(½\) linear foot for each inch \(DBH\). For single-family residential construction, the entire root protection zone area shall be preserved at natural grade, with natural groundcover.](#) No cutting, filling, trenching, root disturbance, soil disturbance, or construction impacts shall occur closer to the trunk than one-half (1/2) the root protection zone radius [or three \(3\) feet, whichever is larger.](#) Filling shall be allowed to accomplish water conservation goals established by the city of San Antonio or by a public utility. Native understory vegetation within the root protection zone shall be preserved, however this requirement does not apply to root protection zone areas that have been landscaped using native, drought tolerant plants. The root protection zone may be shifted and clustered as long as there is no construction closer to the trunk than one-half (1/2) the root protection zone radius. The construction of sidewalks shall be allowed in the root protection zone, as long as excavation does not exceed three (3) inches. The area contained within a root protection zone required under this subsection must be left in a pervious condition. ~~after construction and development are completed unless approved alternative construction methods are used. The arborist shall establish a written set of technical criteria on which such approval shall be based.~~ During construction

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activity on the site, at least six-inch layer of a coarse mulch shall be placed and maintained over the root protection zone. The impervious cover may encroach within the root protection zone if said encroachment is approved by the city arborist.

(2) ~~Warranty.~~

~~In lieu of establishing root protection zone(s) as prescribed in Section 35-523 (i) or adhering to alternate construction methods as approved by the city Arborist, a developer or property owner may choose to provide a Tree Preservation Warranty for multi-family and non-residential construction only. In the event a developer or property owner chooses to provide a Tree Preservation Warranty as provided for herein the owner of the property must provide a tree preservation warranty to the city arborist, which shall obligate the then owner of the Property to replace any tree (or trees) reflected on the tree survey and which are the subject of the warranty. The term of the warranty shall be five (5) years from the date that a building permit is filed for building construction projects or five (5) five years from the date construction is commenced for infrastructure improvements related to development projects. Each tree that is covered by a tree preservation warranty must be identified on a tree survey prepared in accordance with Section 35-B123(c)(1) A and submitted with the tree preservation warranty. If any tree required to be preserved and which is the subject of a tree preservation warranty shall die during the term of the tree preservation warranty, the tree shall be replaced in accordance with the mitigation provisions of Subsection 35-523(f). All replacement trees shall be planted in accordance with the standards set forth in section 35-523(l). The city may require such owner to replace a tree (or trees) that has died at any time during the term of the tree preservation warranty, and, if such owner fails to replace the tree within 90 days of the city's written request to replace same, the city at its sole option may refuse to issue any new building permits, accept any development application, or accept any infrastructure improvements from such owner. Nothing in this subsection shall exclude any and all remedies otherwise provided by law.~~

~~The tree preservation warranty shall be filed in the records of the development services department of the city.~~

~~The seller of property subject to a tree preservation warranty shall provide a copy of the warranty and attached tree survey to prospective buyers.~~

77 ++++++
(GSABA)

35-523 Tree Preservation

(I) General Planting Standards

- (1) Mitigation or replacement trees required by this section must have a minimum caliper of two and one-half (2 1/2) inches measured six (6) inches above grade at the time of installation and, shall be planted in a pervious area of at least one hundred and sixty-two (162) square feet per tree. Builders planting two trees complying with the foregoing on a single-family platted lot will be exempt from application of the provisions of 35-523 on said lot.

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78 +++++
(Citizen Tree Coalition, Richard Alles)

35-523 Tree Preservation

* * * *

(p) Reforestation on Cleared Land

Where more than 25% of existing tree canopy was removed from a development site within the ten year period prior to the first application for a permit pursuant to section 35-523, the applicant shall either:

- A. protect and maintain existing trees with understory vegetation such that 35% tree canopy cover, measured relative to the gross area of the tract, remains on the completed tract, or
- B. establish and maintain new trees, such that 35% tree canopy cover, measured relative to the gross area of the tract, will exist on the tract within 10 years. Shade areas from Appendix E will be used to calculate tree canopy cover. New, native, xeric understory trees, shrubs, grasses, and forbs shall be planted in a 400 square foot area around each new tree, or
- C. any combination of A and B above, such that 35% tree canopy cover, measured relative to the gross area of the tract, will exist on the tract within 10 years

79 +++++
RID 043

DIVISION 6 - PARKING and STORAGE STANDARDS
35-525 Outdoor Storage Standards

(a) Applicability

* * * *

(3) Class 3 Storage.

Class 3 Storage includes the following:

- A. Storage of automobiles, noncommercial trucks, motorcycles, motor-homes, recreational vehicles, or boats for sale incidental to the use of a lot or parcel as a car dealer, a bus, truck, mobile homes, or large Vehicle dealer, or a mini-warehouse.
 - i. The area used for outside vehicle storage for display of auto, RV, boat, or trailer inventory shall be limited to 20 % of the total site area for "incidental" auto, RV, boat, or trailer sales. "Incidental" being defined as sales totaling for all such products to be less than 50% of the total income or gross revenues generated on the site.
 - ii. The area used for outside vehicle storage for display of auto, RV, boat, or trailer inventory for auto lots or dealerships which is the primary source of gross income or revenue shall not be limited in site area

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except for required buildings, setbacks, landscaping and buffering provisions of Chapter 35.

- B. Storage incidental to monument retail sales, including the retail sale of monuments for placement on graves, and the sale, storage, and delivery of headstones, footstones, markers, statues, obelisks, cornerstones, and ledgers.

80 ++++++
(Chris Looney)

Article V Development Standards

35-526 Parking and Loading Standards

(b) Table of ~~e~~Off-Street Parking Requirements

* * * *

- (7) The Board of Adjustment may adjust the minimum or maximum parking requirements based on a showing by the applicant that a hardship is created by a strict interpretation of the parking regulations. Any adjustment authorized by the Board of Adjustment shall apply only to the applicant's original Certificate of Occupancy.

* * * *

**TABLE 526-3b
Parking in Non-Residential Use Districts**

	Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
AUTO	AUTO & LIGHT TRUCK REPAIR	1 per 500 sf GFA including service bays, wash tunnels and retail areas <u>plus 2 additional spaces for each inside service bay.</u>	1 per 375 sf GFA including service bays, wash tunnels and retail areas <u>plus 2 additional spaces for each inside service bay.</u>
SERVICE	BANK, <u>CREDIT UNIONS</u> , SAVINGS and LOAN	1 per 4,000 200 sf GFA <u>for the portion of building used by the financial institution. and 1 per 300 sf of GFA of office lease space.</u>	1 per 100 200 sf GFA <u>for the portion of building used by the financial institution. and 1 per 140 sf of GFA of office lease space.</u>

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81 ++++++
(City Attorney)

35-711 Recognition of Rights Derived from Common Law

(a) Applicability

The provisions of this section apply to any application for development approval in which the applicant claims an exemption from any provision of this code -based on common law rights. Applications for determination of rights shall be by single parcels; multiple parcels will require an application and determination for each parcel.

82 ++++++
(Richard Alles)

35-711 Recognition of Rights Derived From Common Law

(b) Criteria

(1) Common Law Vested Rights

* * * *

~~The applicant for common law vested rights must show compliance with the following criteria for the specific project to acquire such rights:~~

~~A. In reliance upon properly issued permits or approvals the applicant made substantial financial expenditures or assumed substantial financial obligations within the purview of the activities authorized by said permit or approval; and~~

~~B. The applicant has proceeded in good faith, and no approvals or permits have lapsed or been revoked; and~~

~~C. The applicant has established any other factor that may establish vested rights under state or federal law.~~

83 ++++++
(Richard Alles)

35-712 Recognition of Rights Derived From Texas Local Government Code Chapter 245

(a) Purpose

(1) For purposes of this Chapter, a project is a specific development or property improvement endeavor undertaken by a property owner on a specific tract of land and documented in one or more fair notice or permit applications filed by or on behalf of the owner. Once a permit or approval has expired, the project has terminated. Once construction has begun and been completed, approvals or permits for new construction on the same property are not considered part of the same project unless expressly contemplated and documented in the original fair notice or permit application. A new project is initiated by an application that

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seeks any change in use or zoning category, but these are not the only types of changes that characterize a new project. A new project is not initiated by minor modifications in the original plan or by alterations specifically required by the City or that are occasioned merely by attempts to increase parkland or by dedication of property to public use.

(b) Recognition of Statutory Rights

* * * *

(3) Basis for Permit Rights

A. MDP/POADP

Rights under Chapter 245 of the Texas Local Government Code Permit rights will be recognized on the project property which is the subject of a MDP/POADP that has been approved by the city provided that Fair Notice is provided with the MDP/POADP application in accordance with this chapter planning department.

~~The permit rights recognized for projects property located within with an approved MDP/POADP will expire unless a final plat is approved within two (2) years eighteen (18) months from the approval of the MDP/POADP that plats, at least eight (8) percent of the net area of the POADP area or an expenditure of at least five hundred thousand dollars (\$500,000.00) in project expenses has been made if the master development plan is one thousand (1,000) acres or less or an expenditure of at least one million dollars (\$1,000,000.00) has been made if the master development is more than one thousand (1,000) acres that requires at least five hundred thousand dollars (\$500,000.00) in infrastructure expenses if the POADP is one thousand (1,000) acres or less or at least one million dollars (\$1,000,000.00) if the POADP is more than one thousand (1,000) acres.~~

~~Further, the permit rights for projects property within an approved MDP/POADP will expire unless fifty (50) percent of the net area with the approved MDP/POADP is the subject of final plats or development within ten (10) years from the date of approval of the MDP/POADP. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net area within the MDP/POADP has been platted or developed unless Unless specific provisions to the contrary exist in an individual ordinance or city code provision, the filing of a minor amendment to a an-amending MDP/POADP, a plat or replat will not result in a loss of permit rights to the entire MDP/POADP, provided that the required area of acreage within the MDP/POADP platted or value of project infrastructure expenses do not fall below the amounts indicated above as a result of the minor amendment, plat, or replat. A plat or replat that changes the project within a particular area of an MDP/POADP will cause rights for that area to terminate.~~

The rights recognized for projects located within an approved MDP/POADP will not expire if the following criteria are met. In any other case, the rights will expire. In all cases, the rights recognized for projects located within an approved MDP/POADP expire twenty (20) years after the date of approval.

- ii. Less than twenty-four (24) months have elapsed from the date of approval of the MDP and final plat(s) and detailed site plan(s) covering at

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least twenty (20) percent of the gross area of the Master Development Plan have been approved, or

- iii. Less than three (3) years have elapsed from the approval date of the MDP, and
 - 1. final plat(s) and detailed site plan(s), covering at least thirty (30) percent of the gross area of the Master Development Plan have been approved, and
 - 2. for every tract/unit platted pursuant to i. above:
 - a. there exists a valid building permit, or
 - b. less than one year has elapsed since a valid building permit existed, or
 - c. the project for the tract/unit is complete.
- iv. Less than seven (7) years have elapsed from the approval date of the MDP, and
 - 1. final plat(s) and detailed site plan(s), covering at least fifty (50) percent of the gross area of the Master Development Plan have been approved, and
 - 2. for every tract/unit platted pursuant to i. and ii. above:
 - a. there exists a valid building permit, or
 - b. less than one year has elapsed since a valid building permit existed, or
 - c. the project for the tract/unit is complete.
- v. Less than fifteen (15) years have elapsed from the approval date of the MDP, and
 - 1. final plat(s) and detailed site plan(s) covering the entire MDP have been approved
 - 2. or every tract/unit platted pursuant to i., ii., and iii. above:
 - a. there exists a valid building permit, or
 - b. less than one year has elapsed since a valid building permit existed, or
 - c. the project for the tract/unit is complete.
 - d. for purposes of this section, a site plan shall contain the information set forth in section 35-716(b).

C. Plats

Rights under Chapter 245 of the Texas Local Government Code will be recognized for projects associated with the property which is the subject of a plat that has been approved by the city planning commission or director of development services provided that Fair Notice is provided with the plat application in accordance with this chapter. The rights recognized for a project located within an approved plat will expire unless the plat is recorded in the Bexar County Deed Records within three (3) years from the date of approval by the city planning commission or director of development services. In addition, the rights recognized for a project located within an approved plat will expire unless a complete site plan, containing the information set forth in section 35-716(b), is filed within three (3) years from the date of approval by the city planning commission or director of development services. In all cases, the rights associated with an approved plat will expire after five (5) years.

~~(d) — Rights Recognition Process Appeal~~
Strike entire section

~~(e) — Variance~~
Strike entire section

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~~(f) **Variance Appeal**
Strike entire section.~~

(g) Exemption from Rights

The types of ordinances enumerated in the Texas VTGA Local Government Code § 245.004 are exempt from this section and will apply to a project or development regardless of the effective date of the ordinance or the existence of vested rights for the project.

- (1) Future ordinances: Any ordinance that: concerns the development of real property and is adopted after the adoption of this chapter, which incorporates these sections ~~this section~~ into the city code of ordinances, may specifically state whether it is the type of ordinance that is exempted by § 245.004. However, the absence of such a statement shall not be determinative as to whether the ordinance is or is not exempted.
- (2) Existing ordinances: This section shall not be applicable to any ordinance that: concerns the development of real property; as adopted prior to the adoption of this chapter and is exempted by § 245.004 from the protection provided by Chapter 245.
- (3) Determination by city attorney: Should a question arise as to whether an ordinance is exempted from Chapter 245, the director of development services shall request an opinion from the office of the city attorney.

Any regulation that is exempt from the grandfathering provisions of Chapter 245 as amended from time to time, whether pursuant to applicable law existing on the effective date of this amendment or hereinafter adopted, shall be applied to any pending application.

84 ++++++
(Richard Alles)

~~**35-713 Recognition of Rights by Consent Agreement**
Delete entire section.~~

85 ++++++
(City Attorney)

35-712 Recognition of Rights Derived From Texas Local Government Code Chapter 245

(d) Vested Rights Recognition Process Appeal

A rights appeal shall be based on the original approved application for the project. In the event an applicant for recognition of rights is aggrieved by an action taken regarding the recognition of those rights or the application of the above requirements, the applicant may appeal the decision of the director of the department development services to the planning commission by filing a request for appeal with the director of development services within fifteen (15) calendar days from the date the applicant is notified of the adverse decision or action taken under these requirements. The application for appeal shall be made in writing and shall contain the applicant's rationale for requesting the appeal together with payment of an application review fee in the amount established by ordinance as set forth in Appendix C. The director of development services shall place the appeal on the agenda of the planning commission and the planning commission shall hold a hearing on the appeal and make its ruling within forty-five (45) days from the date the request for appeal was filed. If the planning commission denies all or part of the relief

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requested in the appeal, the applicant may make a final appeal to the city council by filing a notice of final appeal in writing together with payment of an application review fee in the amount established by ordinance as set forth in Appendix C to offset the city's costs with the office of the city clerk no later than the tenth (10) day following the party's receipt of the written decision of the planning commission from which the final appeal is brought. If the planning commission approves all or part of the relief requested in the appeal, the City Manager or her designee may make a final appeal to the city council by filing a notice of final appeal in writing with the city clerk no later than the tenth (10) day following the decision of the planning commission from which the final appeal is brought. The city clerk shall schedule the hearing of the final appeal at the earliest regularly scheduled meeting of the city council that will allow compliance with the requirements of the Texas Open Meetings Act. The decision of the city council shall be final.

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(Richard Alles)

35-715 Modification to Project or Permit

For purposes of this section, a project is a specific development or property improvement endeavor undertaken by a property owner on a specific tract of land and documented in one or more fair notice or permit applications filed by or on behalf of the owner. Once a permit or approval has expired, the project has terminated. Once construction has begun and been completed, approvals or permits for new construction on the same property are not considered part of the same project unless expressly contemplated and documented in the original fair notice or permit application. A new project is initiated by an application that seeks any change in use or zoning category, but these are not the only types of changes that characterize a new project. A new project is not initiated by minor modifications in the original plan or by alterations specifically required by the City or that are occasioned merely by attempts to increase parkland or by dedication of property to public use.

(b) Amendment to a single phase project

- (3) ~~A reduction in the square footage for the proposed building footprint or number of buildings provided the use and overall geographic land use remains the same.~~
- (4) ~~A decrease in the overall proposed impervious cover.~~
- (13) an increase in parkland having the characteristics set forth in 35-503(c) and 35-503(b)(2-5). However, such parkland must be located on-site and cannot be used as credit for a dedication required by another subdivision or project.

~~**(e) Project change for a single phase project**~~

~~One change to a project is allowed within five years of filing the initial application and Fair Notice Form. The change shall be made the first time that progress towards completion of that project occurs provided that such change does not increase the total impervious cover and the change does not increase the total square feet in the footprint of the original project.~~

35-716 Completion of a project or permit

For purposes of this section, a project is a specific development or property improvement endeavor undertaken by a property owner on a specific tract of land and documented in one or more fair notice or permit applications filed by or on behalf of the owner. Once a permit or approval has expired, the project has terminated. Once construction has begun and been

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completed, approvals or permits for new construction on the same property are not considered part of the same project unless expressly contemplated and documented in the original fair notice or permit application. A new project is initiated by an application that seeks any change in use or zoning category, but these are not the only types of changes that characterize a new project. A new project is not initiated by minor modifications in the original plan or by alterations specifically required by the City or that are occasioned merely by attempts to increase parkland or by dedication of property to public use.

(a) Project completion

- ~~(1) A multi-phase project as defined in section 35-412 shall expire unless a final plat is approved within two (2) years from the approval of the master development plan that plats at least twenty (20) acres or eight (8) percent of the net developable area or an expenditure of at least five hundred thousand dollars (\$500,000.00) in project expenses has been made if the master development plan is one thousand (1,000) acres or less or an expenditure of at least one million dollars (\$1,000,000.00) has been made if the master development is more than one thousand (1,000) acres.~~
- ~~(2) Further, an approved master development plan shall expire unless fifty (50) percent of the net developable area within the approved master development plan is the subject of a final plat or development within ten (10) years from the date of approval of the master development plan. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net developable area within the master development plan has been platted or developed. Unless specific provisions to the contrary exist in an individual ordinance plan (see sec.35-412(g) (2)), plat, or replat will not result in a loss of rights an abandonment of the original master development plan provided that the required area of acreage within the master development plan platted or value of infrastructure expenses do not fall below the amount indicated above as a result of the amendment or replat.~~

A multi-phase project as defined in section 35-412 is not complete or expired (except as noted below), if the following criteria are met. Otherwise, the project is complete or expired. In all cases, a multi-phase project is complete and expires twenty (20) years after it is approved.

- vi. Less than twenty-four (24) months have elapsed from the date of approval of the MDP and final plat(s) and detailed site plan(s) covering at least twenty (20) percent of the gross area of the Master Development Plan have been approved, or
- vii. Less than three (3) years have elapsed from the approval date of the MDP, and
 1. final plat(s) and detailed site plan(s), covering at least thirty (30) percent of the gross area of the Master Development Plan have been approved, and
 2. For every tract/unit platted pursuant to i. above:
 - a. there exists a valid building permit, or
 - b. less than one year has elapsed since a valid building permit existed, or
 - c. the project for the tract/unit is complete.
- viii. Less than seven (7) years have elapsed from the approval date of the MDP, and
 1. final plat(s) and detailed site plan(s), covering at least fifty (50) percent of the gross area of the Master Development Plan have been approved, and
 2. For every tract/unit platted pursuant to i. and ii. above:

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- a. there exists a valid building permit, or
- b. less than one year has elapsed since a valid building permit existed, or
- c. the project for the tract/unit is complete.
- ix. Less than fifteen (15) years have elapsed from the approval date of the MDP, and
 1. final plat(s) and detailed site plan(s) covering the entire MDP have been approved
 2. For every tract/unit platted pursuant to i., ii., and iii. above:
 - a. there exists a valid building permit, or
 - b. less than one year has elapsed since a valid building permit existed, or
 - c. the project for the tract/unit is complete.

(b) Site plan requirements

A site plan submitted pursuant to section 35-716(a) shall contain the following information:

A. BASE INFORMATION

The following information shall be included on each 24"x 36" sheet:

- Project title
- North arrow
- Engineering scale shall be 1"=10', 1"=20', 1"=30', or 1"=40'; if the project is too large, 1"=50', with detail at 1"=20'
- Designer(s) company name, address, and telephone number
- * Seal and signature of the engineer preparing plans, and the date the plans were signed by the engineer
- Leave a blank space (approval space) in the lower right hand corner at least 5" x 3" on each sheet
- Boundary lines with bearings and dimensions
- City limit line, when located in or near the site
- Street address (verified)
- Show the natural topography of the site and land located within 100 feet of the site, at two-foot elevation intervals with a maximum 100-foot horizontal interval distance between lines
- Existing and proposed streets, alleys and private drives adjacent to and within property including median cuts; existing, dedicated right-of-way should be indicated next to street name; proposed right-of-way and all pavement widths
- All existing and future dedicated easements
- Location of all existing and proposed electric utility facilities on the site and adjacent right-of-ways
- Exact locations and types of all utility lines, underground and overhead, existing and proposed
- Location of all proposed and existing structures to remain; indicate any demolition's by dashed footprint

* Not required for small projects

B. ADDITIONAL REQUIRED INFORMATION:

- Boundary of all zoning districts on or near the site; all existing adjoining land uses
- Location of all buildings within 50 feet of site
- Finished floor elevations
- Show limits of construction, including access drives

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- In tabular form, indicate the following information concerning the site within the City limits:
 - f) total area of site
 - g) total floor area ratio for each zoning district within the City limits
 - h) total impervious cover (in sq. ft.) for each zoning district within the City limits
 - i) percentage of site covered by impervious cover
 - j) total building coverage (in sq. ft. and %) for each zoning district within the site
- Show dimensions to the nearest one-half foot of all existing and proposed buildings
- Show location of parking lots and vehicle use areas, landscape islands, peninsulas, and medians; amenities, walls, fences, sidewalks, and all other land improvements
- Label all roadways, drives, overpasses, bridges, culverts, and decorative/pervious pavers and identify as designed to support the loads imposed by heavy fire department apparatus
- The locations, types and limits of existing site improvements to be retained (structures, parking lots, planted areas, etc.)
- The location of 25-year and 100-year flood plains, storm sewers, and easements and centerline of existing watercourses, drainage features; note on the cover sheet if a 100-year flood plain exists on site
- If not on City sewer system, delineate drain field
- Location of all existing and proposed fire hydrants, including all existing public fire hydrants located within 500 feet of the property boundaries
- Existing or proposed garbage pickup location(s) if commercial dumpsters are proposed; indicate by a note if City garbage pickup is proposed
- In tabular form indicate the following information for each building:
 - j) proposed use and the square footage for each use within each structure on the site
 - k) number of stories
 - l) actual height (nearest one-half foot)
 - m) finished floor elevation(s)
 - n) foundation type
 - o) total square footage, for building and for each floor
 - p) type of restaurant (drive-in/fast food, limited, general), type of office (administrative and business, medical, professional), number of rooms for hotels or similar facilities, number of employees, and/or number of children for proposed school and day care services, if applicable
 - q) number of residential use types and sizes, if applicable
 - r) amenities, such as swimming pool, patios, etc.
- Distances between buildings, building setbacks and front street, side street, interior and rear yards; tie buildings to site in two different directions; show all structural connections between buildings such as overhead walkways, landings, or roof attachments
- Widths of all unobstructed access roadways with appropriate finished grades, widths, lengths, turnarounds and turning radii (T-section, hammerhead, cul-de-sac)
- All frontage roads, intersections, entrance/exit ramps, and driveways abutting and adjacent to subject property within 300 feet of side property lines (or indicate that there are none).

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- Texas Department of Transportation centerline stationing if driveway connection to a State highway is proposed.
- All driveway dimensions and design specifications; dimension driveway widths, driveway curb return radii, and profiles of finished grades; number on site plan when there are several proposed driveway approaches
- Proposed operation of driveways on site plan (i.e. one-way or two-way operation), identifying and labeling all physical barriers to vehicular access
- On undivided roadways, show existing driveways on opposite side of street within 120 feet of site driveways, or indicate in a note if there are none.
- Physical obstructions (utility poles, trees, storm sewer inlets, etc.) in right-of-way which could affect sidewalk/driveway locations.
- Dimensions of vertical clearance within fire lanes, including tree limbs, for all driveways and internal circulation areas on site, where overhead clearance is restricted
- All off-street parking; number of required and provided parking spaces including location, number and type (standard, compact, handicapped) of actual parking spaces; dimension parking stall depth and width, stall angle, aisle width, and width on internal driveways; number each parking space; show structural supports, turning radii; circulation, and ramp grades in parking garages; identify number and location of compact spaces
- Handicapped parking spaces meeting State standards
- Accessible route of travel connecting all accessible elements and spaces on the site that can be negotiated by a person using a wheelchair and is usable by persons with other disabilities (indicated by dotted lines, a shading pattern or other identifiable legend)
- Note on the plan indicating that each compact parking space must be identified by a sign stating "small car only" and signs posted on site directing motorists to such spaces
- Off-street loading spaces, if required
- Location and type of bicycle parking
- Queue spaces or queuing areas for drive-through uses
- Location and width of sidewalks on site plan
- The location and design of all pedestrian sidewalk ramps related to the construction of this site

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(Richard Alles)

35-717 Progress towards completion of a project

(b) Progress towards completion of a project

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For the purposes of this section, progress towards completion of a project shall include any one of the following actions after the initial application for the project has been filed:

- (1) An application for a final plat or plan is submitted to a regulatory agency;
- (2) A good-faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
- (3) Costs have been incurred for developing the project including, without limitation, cost associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
- (4) Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
- (5) Utility connection fees or impact fees for the project have been paid to a regulatory agency.

For purposes of this section, progress toward completion of a project as delineated in Texas Local Government Code Chapter 245.005(c) will be used.

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(City Attorney)

35-801. Board of Adjustment.

(b) Terms, Removal of Members

All members of the board shall be appointed for a term of two (2) years ending on September 1 of odd-numbered years and shall serve until their successors are appointed and qualified and shall be removable for cause by the city council upon written charges and after public hearing.

(c) Vacancies

Vacancies in the regular membership of the board of adjustment shall be filled by the city council member from whom the appointment originated for the unexpired term of vacancy. Vacancies of the alternate board of adjustment member(s) shall be appointed at large by the city council, and determined by majority vote, for the unexpired term of vacancy. The alternate members serve for the same period and are subject to removal the same as regular members.

(d) Minimum of Nine Members at Hearings

The alternate members of the board of adjustment shall serve in the absence of one (1) or more regular members when requested by the director of development services so that all cases heard by the board of adjustment will always be heard by a minimum of nine (9) members, in conformity with state law requiring that 75 percent of the members of the board hear each case.

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(e) Minutes / Records

The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the board and shall be a public record [open to inspection at reasonable times and upon reasonable notice in accordance with the Public Information Act, Chapter 552 of the Texas Government Code.](#)

(f) Meetings [and Rules](#)

The board may have weekly meetings or at the call of the chairman or in his absence the acting chairman, and at such other times as the board may determine. All board meetings shall be open to the public [in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.](#)

[The board may adopt rules consistent with this code or state law to govern its proceedings.](#)

(g) Powers of Board

The board of adjustment shall have the following powers [and duties which must be exercised in accordance with this chapter:](#)

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter.

- To hear and decide special exceptions in those specific instances authorized by this chapter.
- To authorize upon appeal in specific cases, [and subject to appropriate conditions and safeguards,](#) such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done. [The variance must be necessary to permit development of a specific parcel of land which differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification. A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor may a variance be granted to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land in districts with the same zoning classification.](#)
- In exercising their powers, the board may, in conformity with the provisions of this division, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. Provided, however, [that](#) the concurring vote of [75 percent \(nine \(9\)\)](#) of the members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official [involving the interpretation or enforcement of the zoning ordinance;](#) or to decide in favor of the applicant on any matter upon which it is required to

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pass under state law, the city charter, or city ordinances under this chapter or to effect any variation in this chapter.

- To act as the review authority and interpreter regarding the provisions of Chapter 35 Article IV.

For purposes of this section, "administrative official" means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.

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(City Attorney)

35-807 Planning Commission

(b) Rules and Regulations

The planning commission shall observe the following rules and regulations:

* * * *

(12) The Planning Commission shall act as the review authority and interpreter regarding the provisions of Chapter 35 Article V.

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(RID 016, RID 039, John Jacks)

Appendix A - Definitions

Assisted living facility - A residential setting that provides either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons. Assisted living serves a broad range of elderly (70 to 90+ years of age) becoming, in effect, a bridge between active retirement living and, for some, care in a nursing facility. (DSD notes that assisted living facilities are equipped with a full kitchen in each living unit and may or may not also offer communal dining.)

Auto Dealership –

Billiard/Pool Hall or Parlor – An amusement facility in which the primary activity is the playing of table games such as billiards, pool, and snooker. Incidental uses within a billiard/pool hall may include domino and card playing as well as electronic video games. A billiard or pool hall which receives 75 % or more of its income from alcohol shall be classed as a bar and not a billiard/pool hall.

Body Piercing - The creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

Construction Trades Contractors – Building trades contractors including but not limited to the areas of flatwork, fencing, foundations, plumbing, electrical, mechanical, carpentry, sheet rock, painting, roofing, masonry, landscaping, yard and lawn irrigation and other similar trades.

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Correctional Facilities - The following is a listing of terms and correctional facility types as used by the Texas Department of Corrections and this code.

- A. Transitional Treatment Center (TTC).** is targeted for those releasees who have participated in the In-Prison Therapeutic Community (IPTC) or Substance Abuse Felony Punishment Facility (SAFP) programs. The TTC is the aftercare component of the treatment program for releasees from the IPTC and SAFP facilities, and lasts for three months. An additional twelve months of outpatient care follows. Specially trained parole officers supervise offenders.
- B. Substance Abuse Treatment Facilities (SATFs)** a residential community corrections facility designed specifically to deal with offenders on community supervision who have substance abuse problems. The court may place an offender in a SATF for no less than one month and not more than 24 months.
- C. Restitution Center.** A community-based corrections facility which provides 24-hour close supervision and a highly structured environment for non violent felons. Offenders are confined to the center except to go to their place of employment, to perform community service work, or to attend education or rehabilitation programs.
- D. Intermediate Sanction Facility (ISF).** A fully-secured facility used for short-term incarceration of offenders who violate the conditions of their community supervision, parole, or mandatory supervision. ISFs are operated by CSCDs for community supervision offenders and by the Parole Division for parolees and mandatory supervision offenders.
- E. Day (or district) Reporting Center (DRC).** A highly structured, non-residential facility that supervises offenders on community supervision. Offenders report to the centers as part of the court-ordered conditions of their supervision. The centers also offer education, job training, counseling and other services.
- F. Court residential treatment centers (CRTC)s** treat offenders for substance abuse and alcohol dependency. They also offer education and life skills training; they also may offer vocational and employment services in the final phases of the program. The Lubbock and Uvalde centers are the only two in Texas that accept substance-abusing offenders who also have mental impairments or emotional problems.
- G. Community Corrections Facility (CCF).** A residential treatment facility run by community supervision and corrections departments (CSCDs).
- H. Pre-Release Therapeutic Community (PRTC).** An intensive six-month treatment program for offenders in a therapeutic community setting which provides pre-release services to offenders within seven months of release. The PRTC is comprised of three components: educational/vocational, substance abuse treatment, and cognitive restructuring.

Applicable abbreviations used in A thru H. above.

PPT - Pre-Parole Transfer Facility

MUF - Multi-Use Facility

ISF - Intermediate Sanction Facility

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SAFPF - Substance Abuse Felony Punishment Facility

-
Cosmetics - Intradermal (permanent makeup) - The practice of applying permanent makeup generally to the eyebrows, eyelids, and lips.

Heavy Equipment - Self-powered, self-propelled or towed mechanical devices, equipment and vehicles of the nature customarily for use in agriculture, mining, industry, business, transportation, building or construction such as tandem axle trucks, backhoes, trenchers, loaders, tractors, bulldozers, graders, cranes forklifts, or similar like equipment but excluding automobiles, recreational vehicles and boats and their trailers.

Motor Vehicle Sales (full service) - An establishment that provides sales of any motorized vehicles including autos, trucks, RV's, boats, motorcycles in addition to vehicle sales other vehicle related services to the general public such as vehicle repair, paint & body work, brake jobs, oil & lube service, vehicle detailing detailing and washing.

Motor Vehicle Sales - An establishment that sells only motor vehicles including autos, trucks, RV's, boats, motorcycles and provides no onsite repair for the public or for its own stock of vehicles. Allows for onsite washing and detailing of vehicles.

Multi-trunk Tree (San Antonio Real Estate Council) - A tree having two (2) or more main trunks arising from the root collar or from the main trunk and measured for DBH by adding the entire DBH of all trunks 6' greater at DBH, ~~the largest trunk to the sum of the remaining trunks at one half of their DBH.~~

Office - Professional – Facilities for the provision of services that normally require a license, registration or certification issued by the city or state such as but not limited to architects, engineers, landscape architects, physicians, dentist, ophthalmologist, accountants, appraisers, realtors.

Office- General – Facilities for providing administrative and managerial services for the operation of a business or for clients operating a business and may also include office providing professional services.

Petro-Chemical Bulk Storage - A heavy industrial use some times referred to as "tank forms", "bulk facility" or "fuel depots". Petro-chemical bulk storage is a facility consisting of one or more tanks used for the storage or warehousing of petro-chemicals for distribution to off site receivers by pipeline, trucking or rail service. Petro-chemical bulk storage provides no onsite retail sales to the general public of any of its products.

Recreation - Camps, Campgrounds - Establishments that operate sites to accommodate campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles; others provide overnight recreational camps, such as children's camps, family vacation camps, hunting and fishing camps, and outdoor adventure retreats that offer trail riding, water activities, hiking, and similar activities. These establishments may provide facilities and services, such as cabins, washrooms, food services, recreational facilities and equipment, and organized recreational activities.

Recreational Facility –

School - Sports and Recreation Education - Sports and recreational education establishments, such as camps and schools, offer instruction in athletic activities to groups or individuals. Overnight and day sports camps are included.

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If the camp primarily involves camping or outdoor type activities other than instruction, it shall be classified as a campground under recreation.

Skilled Nursing Facility - A institution (or a distinct part of an institution) which is primarily engaged in providing skilled nursing care and related services for residents who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons, and is not primarily for the care and treatment of mental diseases. Nursing facilities offer the highest intensity level of long term care and are characterized primarily by the need for 24-hour nursing care. Few persons enter a nursing facility as a matter of choice. (DSD notes that skilled nursing facilities do not contain full kitchens in the living units and that residents are served meals in their rooms or a communal dining facility).

Storage (Shipping Container) - A unit designed for the storage and/or shipment of goods by means of boat, train or truck. Portable storage containers are self-contained units which do not have or ever had axles or wheels directly attached to them permanently or temporarily.

Storage (Moving Pods) - A self contained container used for the temporary storage and/or moving of small amounts of goods such as a household's contents or office tenants contents. Moving pods are not allowed to be used as permanent onsite storage and shall only be placed on non-industrially zoned property for a maximum period of 60 days. Long term storage of moving pods with or without goods is permitted in all industrial zones "L", "I-1", "I-2", "MI-1" and "MI-2" zoning districts. A permit may be obtained for a longer period of time but only if the moving pod is placed behind the front of the primarily building, or if no building the front setback line and is not visible from a public street.

Tattoo - The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term does not include the application of permanent cosmetics.

Trucks - Vehicles defined as trucks and buses by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.

Truck Farm – A small tract of land (less than 10 acres) on which produce is raised and sold by the owner on-site or at off-site markets.

Variance - Any of the following:

A request to the Planning Commission for permission to vary or depart from a requirement of Articles IV or V of this chapter (except for the subsections of Article V reserved to the Board of Adjustment below) where, due to special conditions, a literal enforcement of the requirement will result in an unnecessary hardship.

A request to the ~~b~~B~~o~~ard of ~~a~~A~~d~~justment for permission to vary or depart from a requirement of ~~a~~Article III or Article V Subsections 506.d.5, 506.r.6 (to include Table 506-7), 514, 515, 516, 517, 525, 526, and 527 of this chapter where, due to special conditions, a literal enforcement of the requirement will result in an unnecessary hardship.

Animal Veterinary Clinic (small animal)

A facility for the prevention, treatment, minor surgery, cure, or alleviation of disease and/or injury in small domestic animals, such as household pets, with all care conducted within a completely enclosed building, provided that noise and/or odors created by activities within the building are not perceptible beyond the property line, and that no animals are kept outside the building at any time. Overnight boarding of animals is permitted unless expressly prohibited by the zoning district regulations.

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~~Animal hospital~~ **Veterinary Hospital (small animal)** A facility for the prevention, treatment, surgery, cure, or alleviation of disease and/or injury in small ~~or large~~ animals. Overnight and outside boarding of animals are permitted.

Veterinary Hospital (large and/or mall animal) A facility for the prevention, treatment, minor surgery, cure, or alleviation of disease and/or injury of large animals, such as livestock, and may include outside runs, paddocks and pens.

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(Adalberto Camarillo)

Table B101-1

A

(A) MATERIAL/INFORMATION

E. PROPERTY SURVEY AND TOPOGRAPHIC

(1)	Two points identified by Texas Planes Coordinates
(2)	Basis of bearings used and a north point.
(3)	Boundary of the development and total acreage encompassed, thereby described and mapped at an appropriate scale.
(4)	Legal description and exhibit of the property at appropriate scale showing the boundary. Description may be related to the USGS, state grid north, if two adjacent corners are shown.
(5)	Topographic contour intervals of no greater than ten (10) feet.
(6)	Existing topography with maximum contour interval of two (2) feet, except where existing ground is on a slope of less than five percent (5%) then either one foot contours or spot elevation shall be provided where necessary.
(7)	All monuments erected, and corners established in the field. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. <u>Guarantee of placement of corner monuments for each lot may be by noting on the plat that such lot monumentation shall occur at completion of all onsite infrastructure construction.</u>

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(City Attorney)

F. PLANNING

(1)	Date of preparation.	*	*	*	*	

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(2)	Graphic and written scale and north arrow	*	*	*	*		
(3)	A location map at a scale of not less than 1" = 2,000 ' indicating the location and distance in relation to adjacent streets and all surrounding major thoroughfares. The location map is to be located in the top left hand corner of the sheet.	*	*	*	*		
(4)	Total area of property	*	*	*	*		
(5)	All existing easements or right-of-way and street names, including those contiguous to the development area, their nature, width, and the volume and page number of their recording.			*	*		
(6)	All existing easements or right-of-way with street names impacting the development area, their nature and width.	*	*				
(7)	The location and widths of all proposed public and private streets within the development's boundaries.			*	*		
(8)	The approximate location and widths of all proposed public and private streets within the development's boundaries.		*				
(9)	The approximate location and widths of all proposed public and private streets major thoroughfares, collectors and local b streets within the development's boundaries. For Master Plans (MDPs) 100 acres or less, the double line representation of all streets shall be required. (See exhibit "A")	*					
(10)	The location of all proposed uses or zoning districts classifications as applicable and the maximum allowable intensity (residential density or non-residential FAR)		*				

93 ++++++
(Elizabeth Carol)

Table B101-1(A)(H)(4),

H. DESIGN

***	.
(4)	Lots and open space numbered as approved by the City.

94 ++++++
(Elizabeth Carol)

35-B121 Subdivision Plat Applications

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* * * *

(c) Contents

The plat applications shall include the following:

* * * *

- (20)** Plat notation. A plat which includes common areas or facilities to be maintained by a community association shall be annotated with the following note:

"A legal instrument establishing a plan for the use and permanent maintenance of the common areas/facilities designated on this plat is being recorded on the same date as this plat."

- (21) If applicable, an original variance request, the variance fee and a written response from the director as required by section 35-438.

95 ++++++
(City Attorney)

35-B121 Subdivision Plat Applications
(f) Certification and Forms

- (15) Form P: Replat Certification (For areas not limited by zoning or deed restrictions to single or duplex family residential use).**

State of Texas X
X
County of Bexar X

The area being replatted was previously platted on plat (name and number) which is recorded in volume _____, page _____, (name) County plat and deed records.

I (we), the owner(s) of the property shown on this replat hereby certify that this replat does not amend or remove any covenants or restrictions. I (we) further certify that no portion of this replat was limited during the preceding five years by an interim or permanent zoning district ~~classification~~ to residential use for not more than two residential units per lot, or that any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

96 ++++++
(Richard Chamberlin)

APPENDIX B: APPLICATION SUBMITTAL

35-B122 Traffic Impact Analysis

(a) Level 2 and 3 TIA Format

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(2) Trip Generation and Design Hour Volumes (provide table).

- A. A trip generation summary table listing each type of land use, the building size assumed, the average trip generation rates used (total daily traffic and a.m./p.m. peaks), and the resultant total trips generated shall be provided. The number of trips generated shall be based on the average rate for land uses as provided in the Institute of Transportation Engineer's "Trip Generation", latest edition.

(6) Capacity Analysis (the applicant shall provide analysis sheets in appendices).

- A. A capacity analysis shall be conducted for all roadway segments within the TIA study area and for all public street intersections and junctions of major driveways with public streets which are significantly impacted (within the Study Area Boundary as defined in this code (as agreed to by the developer's engineer and the City Traffic Engineer). A capacity analysis is required as shown below:

97 ++++++
(Richard Chamberlin)

35-B122 Traffic Impact Analysis

(b) Level 1 TIA Format

(2) Peak Hour Trip Generation

C. The estimates of distribution of trips by turning movements from each site exit and to each site entrance.

98 ++++++
(Debbie Reid)

35-B123 Tree Permit-Tree Preservation Plan Option

* * * *

(c) Contents

* * * *

B. Residential:

1. **The Tree Survey.** ~~For lots located inside the city limits, t~~The developer or property owner must provide a tree survey ~~of the area contained in the front and rear yard setbacks for the entire lot for Heritage trees and for the lot outside the platted utility easements for significant trees, as established in the lot layout standards of this code, of the lots that are to be made ready for construction. For such lots located in a planned unit development, the developer or property owner must provide a tree survey of that portion of the front and rear yards within twenty (20) feet of the front and rear property lines respectively.~~

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~~For lots that are to be made ready for construction located outside the city limits, but in the ETJ and/or a planned unit development, the developer or property owner must provide a tree survey of that portion of the front and rear yards within twenty (20) feet of the front and rear property lines respectively.~~

The tree survey shall, at a minimum, provide the following:

- i. Location, size, and species of all Heritage trees and Significant trees that must be counted for preservation and provide a unique number for each tree that corresponds to the tree in the inventory or if the tree canopy or tree stand delineation option is chosen;
- ii. A current aerial photograph (a minimum resolution of 6 inch pixels) with an overlay of the development, an outline of the tree area(s) and the tree area(s) and understory that are to be preserved to meet the requirement standards;

And in addition, for either of the above options, the following:

- a). A vicinity map, project name, street address (or plat #, parcel #, or legal description), date, scale, north arrow and the names, addresses and telephone numbers of the person(s) preparing the plan;
- ~~ii.~~ ~~A current aerial photograph (a minimum resolution of 6 inch pixels) with an overlay of the development, an outline of the tree area(s) and the tree area(s) and understory that are to be preserved to meet the requirement standards;~~
- iii.b). The location of property lines, existing grades and proposed grades, location and width of existing and proposed streets and alleys, utility easements, driveways, parkways, and sidewalks on or adjacent to the project;
- iv.c). Approximate centerlines of existing watercourses and the location of the 100-year floodplain; approximate location of significant drainage features and any major topographical features;
- v.d). The location and dimensions of all staging areas and/or designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment, and related items as

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well as stockpile areas for the storage of
construction supplies and materials;

- ~~vi.e).~~ The location of all improvements and their proximity to significant or heritage trees and/or tree canopy areas; ~~and~~

~~vii. Location, size, and species of all heritage trees.~~

2. The Tree Inventory. A tree inventory shall include:

- i. The calculations for the preservation ratio of trees to be preserved; and
- ii. Reasons for removal of any such trees.

~~3. **The Tree Protection Notes.** The tree protection notes shall include written information containing acceptable activities on the site and within the root protection zone of each tree, cluster or natural area to be preserved to meet the requirements for this standard, including details and graphics illustrating the protective measures such as alternative construction methods.~~

99 ++++++
(Edit)

35-C102 Zoning Fees

Fees Established

*The following fees are established for zoning cases and zoning related matters.
All fees shall be paid at the time an application is filed or the service is requested.*

(A) Permit, Development Order, Document or Action	(B) Fee Amount
Zoning commission or City Council filing fees (not combined)	0 to .5 acre . . . \$ 350.00 ea. 0.5 to 5.0 acres . . . \$715.00 ea. 5.01 to 10.0 acres . . . \$890.00 ea. 10.01 to 25.0 acres . . . \$1,070.00 ea. 25.01 acres or more . . . \$1,260.00 ea.
Conditional Zoning District Fee	\$160.00
Zoning case postponement fee	\$405.00

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Plan review fee	\$370.00
Zoning verification fees	Property . . . \$135.00 Site improvements . . . \$210.00
Notification list fee	\$100.00
Nonconforming rights registration fee.	\$50.00
Board of adjustment fee	\$300.00
Board of adjustment postponement fee	\$125.00
Environmental assessment fee	ERZD only . . . 1.5 times zoning commission filing fee
Overpayment refund fee, per refund	\$50.00
Sales of aerial plots/per linear ft.	\$25
Underground Storage Tank Edwards Aquifer Transition Zone Fee	Same as Zoning Commission fee
Notification list prep fees, per set	\$6.00
Master plan policies document sales, per copy	\$35.00 per color copy \$5.00 per black balek and white copy
Reproduction (special processing requirements), based on publication	\$15.00 per hour plus 20% overhead
Reproduction charges computer generated maps, per linear ft.	\$25.00
Sale of blueline maps, copy	\$ 8.00 + tax
Aerial photography, per sheet	\$ 25.00
Neighborhood directory fee, per directory	\$ 40.00 paper \$25.00 CD
Neighborhood, Community, and Perimeter Plans	Varies \$2.00 to \$46.00 per plan \$5.00 per CD
Historic design review commission application fee	0-5,000 square feet.....\$ 75.00 5,001 to 10,000 square feet ... \$ 100 10,001 to 20,000 sq. ft. \$ 150.00 20,001 to 50,000 sq. ft. \$ 300.00 50,000 + sq. ft. ... \$ 400.00 + \$ 5.00 per additional 1,000 square feet
Neighborhood, Community and Perimeter Plans plan amendment fee	0 to 0.5 acres = \$700.00 0.501 to 5.0 acres = \$1,430.00 5.01 to 10.0 acres = \$1,780.00 10.01 to 25 acres = \$2,140.00 25.01 acres or more + \$2,520.00
Sale of digital map files	\$15.00 per hour plus 20%
Penalty for work without a certificate of appropriateness issued by the historic design and review commission (per incident)	\$ 75.00
Facility Parking/Traffic Zone (96038) Commercial Parking lot permit	\$ 150.00

(Ord. No. 96038 § 2: Ord. No. 96407, Ord. No. 101816)

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100 ++++++
(Edit)

Appendix C

35-C103 Subdivision and Platting Fees

The following fees are established for plats and subdivision related matters. Platting fees shall be paid at the time of plat application. Any adjustments to the platting fees and other plat related fees shall be paid at the time of formal plat filing. Other fees shall be paid at the time of application.

(A) Permit, Development Order, Document or Action	(B) Fee Amount

Major subdivision plat fees	Base fee . . . \$ 425.00 625.00 Single family development (per lot*) -\$ 64.00 Nonsingle family development (per acre*) . . . \$480.00
Minor plats	0 to 3 acres \$ 395.00 595.00 3.1 to 10 acres \$ 605.00 805.00 10.01 to 20 acres . . . \$ 875.00 1,075.00 20.1 or greater \$ 1,410.00 1,610.00 Per lot . . . \$58.71 Per acre over 20.1 . . . \$ 110.00
<u>Planning Commission Application Fee</u>	<u>\$200.00</u>
<u>Certificate of Determination</u>	<u>\$100.00</u>
<u>Tree Save Areas</u>	<u>Platting fees shall be waved for designated tree save areas meeting the provisions for tree save areas in Article V of this code.</u>
<u>BSL Replat (excludes notification fee)</u> BSL Replat (excludes notification fee)	<u>\$200.00</u> \$200.00

101 ++++++
(City Attorney)

35-C104 Zoning Verification Fees

The department of planning will provide written verification of the zoning ~~district classification~~ of a property and/or compliance of site improvements with the zoning requirements upon payment of the appropriate fee(s) explained in Exhibit C.

102 ++++++
(City Attorney)

35-C108a Vested Rights Determination

For a homestead (1 lot or less than 3 acres) a fee of one-hundred sixty dollars (\$160.00) and for residential over 1 lot or 3 acres or more a fee of five-hundred dollars (\$500) shall be paid for the processing of any vested rights determination pursuant to § 35-711 of this Chapter.

35-C108b Vested Rights Appeal

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A fee of \$500.00 shall accompany filing of an application for an appeal of a vested rights determination to the Planning Commission. Subsequent to the Planning Commission taking action on a vested rights application the applicant may appeal the determination of the Planning Commission to the City Council by filing an application for an appeal of the Planning Commissions determination of vested rights accompanied by a fee of \$500.00.

103 +++++
(Edit)

35-C111 Master Plan Amendments

A fee of \$ 500.00 shall be paid for any amendment of the Major Thoroughfare Plan and a fee of \$450.00 shall be paid for the processing of any master plan amendments pursuant to §35-421 of this chapter. All fees must be paid at the time the master plan amendment is submitted for review.

(Ord. No. 98698 § 5, Ord 997740).

104 +++++
(Edit)

35-C112 Historic Preservation Fees

Fees for applications for changes to zoning district boundaries or for any change of the ordinance shall be paid in accordance with all other zoning fees.

<u>(A)</u> <u>Application or Action</u>	<u>(B)</u> <u>Fee Amount</u>
<u>Historic Plaque Application Fee</u>	<u>\$ 10. 00 per plaque</u>
<u>Certificate of Appropriateness</u> <u>(post work commencement)</u>	<u>\$ 500.00</u>
<u>Historic Design & Review Commission</u> <u>Application</u> <u>(commercial projects only)</u>	<u>\$ 100.00</u>
<u>Historic Site Certification</u>	<u>\$ 40.00</u>

(Ord. 99740)

105 +++++
(City Attorney)

Appendix D Zoning District Conversion Matrix

35-D101 General

(c) “1965 Zoning Districts”

The zoning districts classifications established by the City subsequent to June 28, 1965 and prior ~~February~~February 4, 2002 to the adoption of this Chapter are referred to herein as “1965 Zoning Districts.” Application of the Zoning District Conversion Matrix shall be as follows:

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- (1) **Properties that are registered.** Any property that is registered shall be subject to the following provisions:
- A. **Registered Uses Recognized.** The implementation of the Zoning District Conversion Matrix notwithstanding, the reservation and preservation of the right to continue to use, or establish a single future use of property as was authorized by the zoning regulations in effect prior to the adoption of this Zoning District Conversion Matrix is hereby recognized provided that such property is registered with the City of San Antonio's Department of Development Services.
 - B. **Registration Process.** Registration shall be accomplished by sending notice of the legal description of the property, a description of the particular use right (such as retail sales, ~~multifamily~~ multi-family housing, or manufacturing) to be reserved, and the property's 1965 zoning designation (district) to the Director of Development Services by certified mail with payment of the \$50.00 registration fee. A blanket registration of all or several prior use rights shall not be accepted by the Director.
 - C. **Reserved Use.** A use registered in the manner prescribed immediately above shall be referred to as a "reserved ~~U~~se". The registration of a reserve use shall have the effect of preserving the subject property's 1965 zoning designation (district) to the extent necessary in order to recognize the property owner's right to continue or establish the reserved use. As is the predominate rule of zoning such rights run with the land.
 - D. **Rezoning.** The registration of a reserve use shall in no way preclude the initiation of a zoning case. Should a zoning case be initiated on a registered property, which is ultimately approved by the City Council, then in that case any rights derived pursuant to the registration procedures of this section shall expire and be a nullity, and the new regulations, including those relating to non-conforming rights, applicable to the new zoning shall apply.
- (2) **Properties that are not registered.**
- Any Property that is not registered shall be subject to the following provision:
- Property designated as located within a "1965 Zoning District", as set forth in Column (A) of Table D 102-1, shall be deemed to be located in the zoning ~~district classification~~ shown in Column (C) of Table D 102-1 unless otherwise noted.
- (3) **Registration Period.**
- A. Upon the third anniversary of the effective date of the Zoning District Conversion Matrix the right of an owner of registered property to establish a future use shall expire and be a nullity.
 - B. Any property to which this Appendix D subsection (a) applies that is not registered on or before the expiration date described immediately above shall be subject to the provisions of this Appendix D subsection (a) 2.

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- C. Any property to which this Appendix D subsection (a) applies that is registered on or before the expiration date described immediately above shall be subject to the provisions of this Appendix D subsection (a) 1.

(d) “1938 Zoning Districts”

The zoning ~~districts~~ ~~classifications~~ established by the City prior to June 28, 1965 are referred to herein as “1938 Zoning Districts.” Application of the Zoning District Conversion Matrix shall be as follows:

(1) Properties that are registered.

Any property that is registered shall be subject to the following provisions:

- A. **Registered Uses Recognized.** The implementation of the Zoning District Conversion Matrix notwithstanding, the reservation and preservation of the right to continue to use, or establish a (96272) “single” future use of property as was authorized by the zoning regulations in effect prior to the adoption of this Zoning District Conversion Matrix is hereby recognized provided that such property is registered with the City of San Antonio’s Department of Development Services.
- B. **Registration Process.** Registration shall be accomplished b sending notice of the legal description of the property, a description of the particular use right (such as retail sales, ~~multifamily~~ ~~multi-family~~ housing, or manufacturing) to be reserved, and the property’s 1938 zoning designation (~~district~~) to the Director of Development Services by certified mail with payment of the \$50.00 registration fee. A blanket registration of all or several prior use rights shall not be accepted by the Director.
- C. **Reserved Use.** A use registered in the manner prescribed immediately above shall be referred to as a “reserved ~~U~~use”. The registration of a reserve use shall have the effect of preserving the subject property’s 1938 zoning designation to the extent necessary in order to recognize the property owner’s right to continue or establish the reserved use. As is the predominate rule of zoning such rights run with the land.
- D. **Rezoning.** The registration of a reserve use shall in no way preclude the initiation of a zoning case. Should a zoning case be initiated on a registered property, which is ultimately approved by the City Council, then in that case any rights derived pursuant to the registration procedures of this section shall expire and be a nullity, and the new regulations, including those relating to non-conforming rights, applicable to the new zoning shall apply.

(2) Properties that are not registered.

Any Property that is not registered shall be subject to the following provision:

Property designated as located within a “1938 Zoning District”, as set forth in Column (B) of Table D 102-1, shall be deemed to be located in the zoning ~~district~~ ~~classification~~ shown in Column (C) of Table D 102-1, unless otherwise noted.

(3) Registration Period.

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- A. Upon the third anniversary of the effective date of the Zoning District Conversion Matrix the right of an owner of registered property to establish a future use shall expire and be a nullity.
- B. Any property to which this Appendix D subsection (b) applies that is not registered on or before the expiration date described immediately above shall be subject to the provisions of this Appendix D subsection (b) 2.
- C. Any property to which this Appendix D subsection (b) applies that is registered on or before the expiration date described immediately above shall be subject to the provisions of this Appendix D subsection (b) 1.

(e) Development Preservation Rights (DPR)

Land uses legally existing as of the effective date of this Chapter which do not conform with the uses permitted in the new district to which they have been placed shall have development preservation rights (DPR) pursuant to Article VII, Division 1 of this Chapter. Existing uses meeting this criterion shall be eligible to obtain building permits for rebuilding and expansion if said use was legally operating within the past twelve months at the time of application for said permit. If the use has been discontinued for twelve consecutive months following the adoption of this chapter the owner of said property may:

- (1) Apply for a certificate of occupancy and/or building permit as required by this chapter for one of the permitted uses granted by the zoning districts established by this Chapter (see Article 3, § 35-311), or
- (2) Submit a request for reinstatement of development preservation rights where the enforcement of this Chapter would result in unnecessary hardship, and where the spirit of this Chapter is observed and substantial justice is done; or
- (3) Submit an application for rezoning to another zoning district.

Development preservation rights exist in addition to non-conforming rights and no provision of this section shall be considered to remove any non-conforming rights granted to a property pursuant to Article VII of this Code.

(d) Apartments in former B-1 and B-2 zoning districts

Notwithstanding any provision of this Chapter to the contrary, ~~Multifamily~~[Multi-family](#) Dwellings developed at 33 units or less per acre are a permitted use for any tract or parcel zoned under the 1938 districts as "F", "G", & "GG", or the 1965 districts "B-1," "B-2," or "B-2NA" prior to the adoption date of this Chapter, so long as such tract is not the subject of rezoning in accordance with the provisions of this Chapter and remain within the "C-1," "C-2" or "C-2NA" zoning districts.

(e) Height limitations in former O-1 districts

Notwithstanding any provision of this Chapter to the contrary, the height limitation on any tract or parcel zoned "O-1" prior to the adoption date of Chapter shall be subject to a thirty-five (35) foot height limitation until such tract is rezoned through a public hearing.

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(f) Reserved Uses Subject to Overlay Zones Restrictions

An owner of a property may not reserve a use from their 1938 or 1965 Zoning designation (district) if such use is prohibited by any existing overlay zone on that property.

(g) Multi-tenant uses

- Business parks, multi-tenant buildings (with two (2) or more business tenants), shopping centers and/or regional malls that obtained their first development permit prior to February 4, 2002 shall be entitled to continue and/or incorporate into the business park, multi-tenant building (with two (2) or more business tenants), shopping centers and/or regional malls all uses previously allowed under the property's zoning district classification prior to February 4, 2002. This provision does not provide for the expansion of the building or buildings housing such uses but allows for exterior maintenance, interior finish out and applications for Certificates of Occupancy for such uses. Should a multi-tenant use undergo a zoning reclassification by public hearing after February 4, 2002 this provision would no longer apply.

(h) Legally existing manufactured homes

- Manufactured homes legally existing on a lot at the date of conversion (February 4, 2002) may be replaced with a newer HUD approved manufactured home.

(Ord. No. 95191 § 1, Ord. NO. 96272 § 1, 2 & 3, Ord. No. 97568 § 2, Ord. No. 101816)

35-D 102 Zoning District Conversion Matrix

The following table converts the zoning district~~classification~~ of land that is in one of the following zoning districts ~~classifications~~ to the zoning districts ~~classifications~~ established by this Chapter. Column (C) of Table D 102-1 designates the zoning districts ~~classifications~~ established by Article 3 of this Chapter.

106 ++++++
(Debbie Reid)

Appendix E: San Antonio Recommended Plant List-All Suited to Xeriscape Planting Methods

TREES				
Small: Fifteen (15) to twenty-five (25) Feet; Medium: Twenty (25) to Forty (40) Feet; Large: Forty (40) Feet and Higher (60'+)				
Common Name	Scientific Name	Height	Remarks	Shade Area
Anacacho, Orchid tree	Bauhania congesta	S-M	Semi-Evergreen, tree-shrub, white flower clusters	275
Anaqua*, Sandpaper tree	Ehretia anacua	M-L	Evergreen broadleaf; white flower clusters	875
Arizona Cypress	Cupressus arizonica	M-L	Evergreen conifer; gray green foliage; pyramidal shape	875
Texas Ash*, Green Ash	Fraxinus sp.	M-L	Deciduous; fast growing	875
Ashe Juniper*	Juniperus ashei	S-M	Evergreen conifer; green foliage,	275

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			females fruit	
Bald Cypress*	Taxodium distichum	L	Deciduous conifer; fine textured foliage; fall color	1200
Black Willow*	Salix nigra	M-L	Deciduous; riparian species	875
Bur Oak*	Quercus macrocarpa	L	Deciduous; large acorns and leaves, good shade tree	1200
Carolina Buckthorn*	Rhamnus caroliniana	S-M	Semi-Evergreen; sun-shade, glossy leaves, reddish fruit	275
Cedar Elm*	Ulmus crassifolia	M-L	Deciduous; narrow canopy, good shade tree for R.O.Ws	875
Chinquapin Oak*	Quercus muhlenbergii	M-L	Deciduous; round-topped tree; bold foliage	875
Condalia, Brazil Tree, Bluewood Condalia*	Condalia hookeri, C. viridis	S-M	Evergreen; delicate foliage; very drought tolerant; sun-shade, good shade tree	275
Cottonwood*	Populus deltoides	L+	Deciduous; large leaves, females fluffy seeds	1200
Crabapple, Texas*	Mollis texana	S-M	Deciduous, full to partial sun, spring flowering tree	275
Desert Willow*	Chilopsis linearis	S	Deciduous; pink tubular flowers; willow-like foliage, very drought tolerant	n/a
Deodar Cedar	Cedrus deodara	L	Evergreen; spreading pyramidal shape	1200
Ebony, Texas*	Pithecellobium flexicaule	S	Evergreen; sun; white flowers	n/a
Escarpment Black Cherry*	Prunus serotina var. eximia	M-L	Deciduous; sun to shade; fall foliage	875
Eve's Necklace*	Sophora affinis	M-L	Deciduous; sun-shade; white to pink flowers	875
Goldenball Lead Tree*	Leucaena retusa	S-M	Deciduous; delicate foliage; fragrant yellow flowers	275
Hackberry*	Celtis spp.	M-L	Deciduous; prolific; wildlife favorite	875
Honey Locust	Gleditsia triacanthos	M	Deciduous; thornless varieties available	550
Huisache*	Acacia farnesiana	M	Deciduous; delicate foliage; fragrant yellow flowers	550
Kidneywood*	Eysenhardtia polystachya	S	Deciduous; delicate tree-shrub; fragrant white flowers	n/a
Lacy Oak*	Quercus laceyi	M	Deciduous; sun-partial shade; hill county native, good shade tree	550
Live Oak*	Quercus virginiana	M-L	Evergreen-like; good shade tree	875
Mesquite*	Prosopis glandulosa	S-M	Deciduous; lacy spreading form	275
Monterrey Oak	Quercus pumilomorphia	S-M	Evergreen-like; good shade tree	875
Mexican Buckeye*	Ungnadia speciosa	S	Deciduous; pink-red spring flowers	n/a
Pecan*	Carya illinoensis	L+	Deciduous; needs lots of space; sensitive to root impact	1200
Persimmon, Texas*	Diospyros texana	S-M	Deciduous; sun-shade, smooth bark; females has black pulpy fruit	275
Plum, Mexican*	Prunus mexicana	S	Deciduous; sun to shade; white flowers, fruit	n/a
Possum Haw*	Ilex decidua	S-M	Deciduous; sun-shade; female has red fruit	275
Retama,	Parkinsonia texana	S-M	Deciduous; fast growing, yellow	275

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Paloverde*			flowers	
Red Oak, Shumard*	Shumard Quercus shumardii	L	Deciduous; fall color, good shade tree	1200
Red Oak, Texas*	Quercus texana	M	Deciduous; fall color, good shade tree	550
Redbud, Texas, Oklahoma, Mexican*	Cercis canadensis var texana	S-M	Deciduous; sun-shade, red/pink or white flowers	275
Rusty Blackhaw *	Viburnum rufidulum	S	Deciduous; fall color, white flower clusters	n/a
Silk-tassle*	Garrya ovata	S	Evergreen; sun-shade	n/a
Spiny Hackberry*	Celtis pallida	S	Evergreen; greenish white flowers, yellow orange fruit	n/a
Sycamore, Mexican	Platanus mexicana	L+	Deciduous; large leaves, good shade tree	1200
Sycamore, Texas*	Platanus glabrata	L+	Deciduous; large leaves, good shade tree	1200
Texas Mountain Laurel*	Sophora secundiflora	S	Evergreen, part shade to full sun; fragrant purple flowers	n/a
Texas Pistache*	Pistacia texana	S	Semi-Evergreen; full sun to part-shade; red fruit	n/a
Wafer Ash, Hop tree*	Ptelea trifoliata	S	Semi-Evergreen; sun-shade; light green foliage	n/a
Western Soapberry*	Sapindus drummondii	M-L	Deciduous; full to partial sun; good shade tree, cluster large yellow flowers	875
Wild Olive *	Cordia boissiereri	S-M	Semi-Evergreen; large white flowers, hardy to ~14°F	275
Vitex, Chaste Tree, False Hemp Tree, Lavender Tree*	Vitex agnus-castus	S-M	Deciduous; purple, pink, or white flower spikes	275
Yaupon Holly*	Ilex vomitoria	S-M	Evergreen; sun-shade; female has red fruit	275

* = [Texas Native](#)

107 ++++++
(Citizen Tree Coalition, Richard Alles)

35-F104 Statement of purpose.

The purpose of this division is to promote land use controls necessary to qualify the city for flood insurance under requirements of the National Flood Insurance Act of 1968 with provisions designed:

- (1) To protect human life and property exposed to the hazards of flooding;
- (2) To avoid increasing flood levels or flood hazards or creating new flood hazards areas;
- (3) To minimize public and private property losses due to flooding;
- (4) To preserve the natural floodplains where at all possible;
- (5) To ensure that potential property owners are notified if property is in a special flood hazard area;
- (6) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (7) To minimize prolonged business interruptions;

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- (8) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in special flood hazard areas;
- (9) To minimize expenditure of future public money for costly flood control projects; and
- (10) To preserve the natural vegetation and ecological function of floodplains and improve or maintain water quality in streams, creeks, and rivers.
- ~~(11) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas.~~

Section A - Allowable Development Within the Regulatory Floodplain

(f) The following development may be allowed in the regulatory 100-year floodplain and will require a Floodplain Development Permit:

- (1) All weather (passes the ultimate development 100-year flood) street crossings.
- (2) Utility Construction for stormwater or wastewater conveyance only.
- (3) Parks.
- (4) Greenways.
- (5) ~~Recreational Facilities and Golf Courses.~~
- (6) Hike and bike trails.
- (7) Drainage improvements that mitigate existing or anticipated flood hazards where it is determined that no other viable alternative exists.
- (8) Capital Improvement Projects.
- (9) Maintenance activities necessary to maintain the storm water conveyance of the floodplain.
- (10) Drainage infrastructure repair.
- (11) Floodplain restoration.
- (12) Wetland reestablishment or mitigation.
- (13) Habitat reestablishment.
- (14) Installation of Flood Monitoring Controls – rain gages, early flood warning systems, high water detection systems, etc.
- (15) Installations of emergency devices necessary to warn, alarm and protect citizens at flood hazards.
- (16) Improvements to a structure that does not fall under the definition of Substantial Improvement.
- (17) ~~Elevating and / or floodproofing structures in the floodplain.~~
- (18) ~~100-year floodplain reclamation where the watershed drainage area is less than 320 acres.~~
- (19) ~~Parking lot construction where water depths do not exceed 6".~~
- (20) ~~100-year floodplain reclamation in areas of ineffective flow.~~
- (21) ~~100-year floodplain reclamation in overbank areas subject to extensive shallow (0'-3') flooding where flood velocities in the overbank area are less than 3 fps.~~
- (22) Historic structure reconstruction, rehabilitation or restoration.
- (23) Development in the Low Risk Flood Area subject to the requirements of Section 35-505(q).
- (24) ~~Reclamation between the 100-year floodplain and the regulatory 100-year floodplain. Elevate development one foot (1') above the water surface elevations established for the regulatory 100-year floodplain.~~
- (25) Projects that are in the best interest of the public.
- (26) ~~Non-residential construction. Some or all of the following restrictions will be placed on non-residential construction in the floodplain:~~

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- ~~Demonstrate that no alternate site is available for development within the property that is out of the floodplain.~~
- ~~Meet all the requirements of Sec. 35-505(n)(2) Nonresidential Construction.~~
- ~~Ensure the lowest finished floor elevation and/or the height to which the building must be floodproofed is no lower than the higher elevation of the energy grade line or the water surface elevation plus one foot (1') of the regulatory 100-year floodplain.~~
- ~~No increase in water surface elevations over ultimate conditions is permitted anywhere within the watershed as a result of the construction. An increase in water surface elevation is permitted on the developer's property if the floodplain is contained in a dedicated drainage easement or right-of-way.~~
- ~~Unflooded vehicular access must be available to the development from a public street.~~
- ~~Demonstrate that the development will not increase the 100-year floodplain predevelopment velocities above 6 fps. No increase in velocity will be permitted if predevelopment velocities exceed 6 fps.~~
- ~~Demonstrate that the development will not be subject to damage from hydrostatic or hydrodynamic forces, debris impact, soaking, sediments and contaminants.~~
- ~~Provide, operate and maintain an early flood warning system for the development. Warning Systems will be subject to periodic inspection by the City of San Antonio to ensure they are maintained and operated as intended.~~
- ~~Complete the Letter of Map Revision process for the development.~~
- ~~The owner shall indemnify the City of San Antonio against damages resulting from flooding on the owner's site.~~
- ~~Other site-specific restrictions and / or requirements deemed appropriate by the Floodplain Administrator.~~
- (27) ~~Construction in areas of Flood Inundation must meet the requirements of Sec. 35-F 141 General Standards. Structures associated with park and recreation development (fences, open construction type bleachers, concession stands etc.) may be are not permitted in areas of flood inundation. Keep this construction out of the flood conveyance section of the floodplain. Compensate for loss of storage. Secure structures to minimize damage from hydrostatic or hydrodynamic forces (including buoyancy) and debris impact.~~

Section B - Prohibited Development within the Regulatory Floodplain

- (a) The following development will not be allowed in the regulatory floodplain.
 - 1) Development without first obtaining a Floodplain Development Permit.
 - 2) Habitable structures.
 - 3) Street or access construction that does not provide all weather access.
 - 4) Activity prohibited by Chapter 34, Article VI of the City Code "Aquifer Recharge Zone and Watershed Protection".
 - 5) 100-year floodplain reclamation where the watershed drainage area exceeds 100-acres except as provided in Section A.
 - 6) Structures other than vehicle or pedestrian bridges.
 - 7) Streets other than those crossing at approximately a right angle to the centerline of the watercourse.
 - 8) Parking areas.

35-F141. General standards

- (a) In all areas of special flood hazards the following provisions are required;

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- (1) All new construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy (see U.S. Corps of Engineers Flood Proofing Regulations, Chapter 6, Section 610).
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage (see the United States Corps of Engineers Flood Proofing Regulations, Chapter 5 and Chapter 6).
- (3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage (see the United States Corps of Engineers Flood Proofing Regulations, Chapter 12 and Chapter 13).
- ~~(4) All new and replacement toilet, sinks, showers, water heaters, pressure tanks, furnaces, and other permanent plumbing installations shall be installed at or above the base flood elevation or floodproofed.~~
- (5) All ~~new and~~ replacement water supply systems shall be designed to San Antonio Water System standards to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood water.
- (6) New and replacement sanitary sewage systems shall be designed to city sanitary sewer standards to minimize or eliminate infiltration of ~~flood waters~~floodwaters into the system and discharges from the systems into ~~flood water~~floodwater.
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Waste disposal systems shall be located above the base ~~flood water~~floodwater surface elevation.
- ~~(8) Filling or the disposal of any materials is prohibited, which will diminish the water flow capacity of any waterway or floodplain defined by this ordinance must be compensated for with remedial action by additional excavation or otherwise so as not to diminish water capacity.~~
- (9) Floodplain engineering and procedures requirements within FEMA or United States Corps of Engineers official flood prone areas shall conform to the engineering criteria as set out in Exhibit D.

35-F142 Specific standards

In all areas of special flood hazards where base flood elevation data has been provided in accordance with these regulations, the following provisions are required:

- (a) Residential construction. Construction of habitable structures within the regulatory floodplain (base flood) is not allowed ~~unless the floodplain is revised with a floodplain permit. Residential construction must be elevated one foot (1') above the regulatory floodplain.~~
- (b) Nonresidential construction.
 - ~~1. New construction or substantial improvements of any commercial, industrial or other nonresidential structure is not allowed. shall have either (a) the lowest floor, including basement, elevated to one foot (1') above the level of base flood elevation, or (b) have the lowest floor, including basement, with attendant utility and sanitary facilities, be floodproofed so that below the base flood level plus one foot (1') and above the lowest floor, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.~~
 2. New construction and substantial improvements, with fully enclosed areas below the lowest floor (including basement) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by

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~~allowing for the entry and exit of floodwaters. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.~~

- ~~3. Electrical heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~
- ~~4. A registered professional engineer or registered architect shall submit a certification to the director of public works that the standards of this subsection are satisfied. The certification shall include a statement to the effect that the engineer has developed and/or reviewed structural design, specifications, and plans for the construction and finds them to be in accordance with this subsection. The director of public works shall utilize the flood proofing regulations manual prepared by the United States Army Corps of Engineers as a guide in determining construction requirements.~~

(c) Manufactured homes.

- (1) Manufactured homes are not allowed within the 100-year floodplain. ~~All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to the following (refer to FEMA Manual #85, Manufactured Home Installation in Flood Hazard Areas):~~

- ~~A. Over the top ties at each of the four (4) corners of the manufactured home with two (2) additional ties per side at intermediate locations. Manufactured homes more than fifty (50) feet long require one (1) additional tie per side.~~
- ~~B. Frame ties at each corner of the home with five (5) additional ties per side at intermediate points. Manufactured homes more than fifty (50) feet long require four (4) additional ties per side.~~
- ~~C. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds;~~
- ~~D. Any additions to the manufactured home shall be similarly anchored.~~

- (2) All manufactured homes to be placed or substantially improved within Zones AI-30, AH, and AE shall conform to the following criteria:

- ~~A. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one (1) foot above the base flood level. A registered professional civil engineer, registered architect, or registered public surveyor shall submit a certification to the director of public works that the standard of this paragraph complies with subsection (a).~~
- ~~B. Adequate surface drainage and access for a hauler are provided.~~
- ~~C. In the instance of elevation of pilings: (i) lots are large enough to permit steps, (ii) piling foundations are placed in stable soil no more than ten (10) feet apart, and (iii) reinforcement is provided for pilings more than six (6) feet above the ground level.~~

- (d) Floodways.** Located within the areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of ~~flood~~ watersfloodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

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1. Encroachments are prohibited, including fill, new construction, substantial improvements and other developments, ~~unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.~~
2. ~~If subparagraph (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.~~
3. The placement of any manufactured home is prohibited ~~except in an existing manufactured home park or subdivision.~~

35-F143 Areas of shallow flooding (AO Zones).

(a) Located within the areas of special flood hazard are areas designated as areas of shallow flooding. These areas have special flood hazards associated with base flood depths one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Therefore, in these areas the following provisions shall apply:

- (1) All new construction and substantial improvements of residential structures are prohibited. ~~shall have the lowest floor elevated one (1) foot above the highest adjacent grade or one (1) foot above the depth number specified on the community's FIRM (at least two (2) feet if no depth number is specified), which ever is higher controls.~~
- (2) ~~All new construction and substantial improvements of nonresidential structures shall:~~
 - a. ~~Have the lowest floor elevated above the highest adjacent grade as high as the depth number specified on the community's FIRM, (at least two (2) feet if no depth number is specified).~~
 - b. ~~Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~
 - c. A registered professional civil engineer, registered public surveyor, or registered architect shall submit a certification to the director of public works that the standards of this section are satisfied.
 - d. ~~Require within Zones AH and AO, adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.~~

108 ++++++
(City Attorney)

- Clarify "Special Use" versus "Conditional Use"

109 ++++++
(City Attorney)

- Clarify language regarding Plat completeness and/or variances to distinguish each process.

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110 ++++++
(City Attorney)

- Section 35-512 add “all developments requiring” and use the same language as sidewalks.